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Migratory Labor

IN AMERICAN AGRICULTURE

Report
of the
President's Commission on
Migratory Labor

1951

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The President's Commission on Migratory Labor

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Letter of Transmittal

Commerce

MARCH 26, 1951.

THE PRESIDENT,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT:

Your Commission on Migratory Labor created June 3, 1950, submits herewith its report.

This report deals primarily with migratory labor in agriculture; migratory labor in industry is referred to only incidentally.

May we take this occasion to call your attention to some of our major recommendations?

In the present emergency, first reliance should be placed on using our domestic labor force more effectively. No special measures should be adopted to increase the number of alien contract laborers beyond the number admitted in 1950. Future efforts should be directed toward supplying agricultural labor needs with our own workers and eliminating dependence on foreign labor.

Foreign-labor importation should be undertaken only pursuant to the terms of intergovernmental agreements. The conditions and standards of employment should be substantially the same for all countries. The administration of foreign-labor recruiting, contracting, transportation, and agreements should be made the direct responsibility of the Immigration and Naturalization Service. This should be the principal contracting agency and private employers should secure their foreign workers exclusively from the Immigration and Naturalization Service.

Legislation is needed to make it unlawful to employ aliens who have entered the United States illegally. Legalization and contracting of aliens illegally in the United States should be discontinued and forbidden.

The economic aspects of domestic migratory farm labor are dealt with in recommendations relating to:

(*a*) improvements in labor management and personnel policies, job standards and job rights, and employee-employer relations;

(*b*) more orderly methods of bringing men and employment together, a more effective use of the local labor supply, more continuous employment for the workers, and a stable labor supply for farm employers;

(*c*) improved housing;

(*d*) a minimum wage for agricultural workers.

To aid in carrying out our recommendations, to coordinate the

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agencies of the Government in their activities relating to migratory farm labor, and to cooperate with the States, there should be established a Federal Committee on Migratory Farm Labor, appointed by and responsible to the President. The Committee would be composed of three public members, one of whom would serve full time as chairman, and of one member from each of the following agencies: the Departments of Agriculture, Labor, and State, the Immigration and Naturalization Service, and the Federal Security Agency.

During the last fifty years migratory labor has been dealt with in many investigations and reports by Federal, State, and private agencies. Not much has been accomplished. We earnestly hope that this report will enable you to initiate changes in administration and legislation that will lead to the correction of the fundamental causes of the various problems, with resulting benefits to the migratory farm workers, to the farm employers, and to the public.

We want to thank you for the privilege of working on this project. We await your further instructions.

Respectfully submitted,

(Signed) NOBLE CLARK.
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MAURICE T. VAN HECKE, *Chairman*.

Acknowledgments

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VARDEN FULLER, *Executive Secretary*
HAROLD E. BENSON
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Paul S. Taylor, University of California

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And the Commission records its indebtedness to the representatives of the foreign, State, and local governments, the workers, labor organizations, employers, social workers, health authorities, educational leaders, and religious groups. Their testimony, statements, and suggestions provided opportunity for first-hand knowledge of the many different facets of the complex problems encountered.

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[1] On full-time loan from the Farm Home Administration.

The Commission's Hearings, Conferences, and Studies

During the summer and early fall of 1950, the Commission held twelve public hearings in Brownsville, Tex.; El Paso, Tex.; Phoenix, Ariz.; Los Angeles, Calif.; Portland, Oreg.; Fort Collins, Colo.; Memphis, Tenn.; Saginaw, Mich.; Trenton, N. J.; West Palm Beach, Fla.; and two in Washington, D. C. These hearings were regional in coverage. The witnesses who testified included representatives of farmers, growers, processors, employees, labor organizations, officers of the Federal, State, and local governments, social workers, health authorities, educational leaders, religious groups, and numbers of the migrant workers themselves. The verbatim transcripts of these hearings constitute an important public record of fact and opinion relating to migrant farm labor.

In connection with most of the hearings, the Commission made field trips for observation of actual conditions and for talks with workers, employers, and others on the ground.

The Commission has held two general conferences in Washington with representatives of the interested Government agencies, namely, the various divisions of the Departments of Agriculture, Labor, and State, the Immigration and Naturalization Service, and the Federal Security Agency. The first conference, in June, was to enable them to brief the Commission on the problems incident to migratory labor; the second, in November, was for discussion of their specific recommendations. There have been many conferences between representatives of the Commission and officers of the Government concerned with particular aspects of migrant labor.

Other Commission conferences deserve special mention: Those with the State agencies established to deal with migratory labor, including the California, Colorado, New Jersey, and New York Commissions and a number of State interagency committees; those with representatives of the Governments of Mexico and Puerto Rico; and those with the American Farm Economics Association and the Directors of the State Agricultural Extension Services. In addition, a member of the Commission, by invitation, attended, as an observer, a conference between the Department of State and representatives of the Government of the British West Indies, a hearing and a conference conducted by the Farm Labor Subcommittee of the Committee on Agriculture of the House of Representatives, and a conference of the Advisory Council to the United States Employment Service.

Members of the Commission's staff have made a number of special studies of particular problems. Other memoranda on various technical subjects have been prepared for the Commission by the responsible Government agencies. It is hoped that a selected group of these may be published separately.

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Chapter 1

Why Do We Have Migratory Workers and Who Are They?

In the Executive order, this Commission was directed to investigate the following:

(*a*) Social, economic, health, and educational conditions among migratory workers;

(*b*) Problems created by the migration of workers into the United States for temporary employment;

(*c*) Responsibilities assumed by Federal, State, and local authorities for alleviating conditions among migratory workers;

(*d*) Agricultural labor needs, sufficiency of domestic supplies, extent to which foreign workers may be required;

(*e*) Problems created by illegal entry of foreign workers and means of strengthening law enforcement to eliminate such illegal migration.

A migratory farm laborer is a worker whose principal income is earned from temporary farm employment and who in the course of his year's work moves one or more times, often through several States. We do not regard as a migratory worker one who is employed at temporary jobs within daily driving distance of his home, nor one who moves his household from one place to another and thereafter remains more or less permanently. In either of these cases employment could be the same as that performed by migratory workers. Whether a person is a migratory worker depends not primarily on the kind of work he does but rather on whether he maintains a stable home the year round. Seasonal and temporary farm work is done by both migratory and nonmigratory workers. As we shall see later, more nonmigratory than migratory workers are employed at seasonal and temporary farm work.

We do not find that people become migrants primarily because they want or like to be migrants. Nor do we find that any large portion of American agricultural employment necessarily requires migrant workers. The economy of this Nation has a great deal of seasonal employment other than that in farming. Yet it is only in agriculture that migratory labor has become a problem of such proportions and complexity as to call for repeated investigations by public bodies.

Among the reasons for migrancy, the foremost is that many people find it impossible to make a living in a single location and hence have had to become migratory. Technological displacement, business recession and consequent unemployment in industry, drought and crop failure, radical changes in the sharecropper system, lack of education and vocational training—these are among the basic factors responsible for migrancy. The migratory workers themselves, and their employers as well, testified at our hearings that migrants want steady jobs and that, given the opportunity to settle down, they do so. It is true that, for some, repeated moving has become a habit. There are undoubtedly many who, in trying to make a living at unreliable jobs, have become unreliable people. On the other hand, many who are considered by some to be unreliable are praised by others as good workers. Time after time we were told that domestic migrants are "unreliable," "unwilling to work," "no good." For example, Texas farm employers told us that Texas-Mexicans were "no good," but farm employers in Arizona, Colorado, and other States told us with equal emphasis that the same Texas-Mexicans are good and reliable workers.

No large group of migrants has remained permanently migratory. This probably is the best evidence that people are not migrants by choice. Prior to the immigration law of 1917, we depended on European immigrants for temporary and seasonal farm work. Many years ago, farm employers of the West Coast thought they had a permanent migratory labor force in the Chinese, Japanese, and Hindus. However, none of these remained migrants. Perhaps the "bindle stiff" and the "hobo" of the 1910's and 1920's were the nearest approach to professional migrants this country has ever had. But they, too, have settled down and no longer count significantly in our migratory work force.

In the thirties the largest element in our migratory labor group was the "Okie," the collective name applied to displaced people of the farms and service trades of the "dust bowl" area including Oklahoma, Arkansas, Missouri, and Texas. Many of these people were migratory workers through the thirties but they resettled whenever the opportunity appeared. This "settling down" of the Okie group was accelerated by the more favorable economic climate of the past decade. No longer does this group remain the principal element in the Nation's migratory work force.

"Texas-Mexicans," the term commonly applied to those Texans of Mexican or other Latin American origin, have emerged in the past decade as the largest group in our Nation's domestic migratory work force. In previous years, this group was migratory within Texas and from Texas into the Mountain and Great Lake States. But recently its migrancy has increased both in scale and in the area through which it moves. The primary reason for this increase of migrancy is pressure from the great influx of illegal Mexican aliens which has made it increasingly necessary for Texas-Mexicans to leave their homes annually in search of better wages and greater employment opportunity elsewhere.

In the past two decades, there has developed another clearly identified migratory group made up almost exclusively of Negroes who have their home base in Florida. Many of these are ex-sharecroppers or their descendants from other Southern States. They spend the winter in Florida and in the spring and summer follow a northward course along the Atlantic shore reaching through the Carolinas, Virginia, New Jersey, New York, and even into Maine. These workers are now being described as professional migrants. Yet there is evidence that they, too, will settle down when the environment is favorable.

Within the past decade there is much evidence that, with the opportunity to do so, the migrants of today, like their predecessors, drop out of migratory life. In 1940, there were an estimated 1 million domestic migrant workers. As employment opportunities were improved during the war, the number was reduced to 600,000. In the postwar years, it has grown again to a million. However, of this total number, domestic migrants represent only about one-half. The other half is made up of approximately 100,000 Mexicans legally under contract, a relatively small number of British West Indians and Puerto Ricans, and, by far the most important, illegal Mexican workers who in recent years have amounted to an estimated 400,000.

Migrants are children of misfortune. They are the rejects of those sectors of agriculture and of other industries undergoing change. We depend on misfortune to build up our force of migratory workers and when the supply is low because there is not enough misfortune at home, we rely on misfortune abroad to replenish the supply.

Migratory Farm Laborers and the Community

Migratory farm laborers move restlessly over the face of the land, but they neither belong to the land nor does the land belong to them. They pass through community after community, but they neither claim the community as home nor does the community claim them. Under the law, the domestic migrants are citizens of the United States but they are scarcely more a part of the land of their birth than the alien migrants working beside them.

The migratory workers engage in a common occupation, but their cohesion is scarcely greater than that of pebbles on the seashore. Each harvest collects and regroups them. They live under a common condition, but create no techniques for meeting common problems. The public acknowledges the existence of migrants, yet declines to accept them as full members of the community. As crops ripen, farmers anxiously await their coming; as the harvest closes, the community, with equal anxiety, awaits their going.

The migratory labor force in agriculture has long been an object of uneasy concern among those bearing responsibility for the public well-being. Half a century ago the United States Industrial Commission quoted one of its agricultural experts as saying:

> * * * the annual inundation of grain fields in harvestime, hop yards in picking season, fruit picking in districts of extensve market orchards, and similar harvest seasons requiring large numbers of hands for a short time, has a demoralizing effect on farm labor, reducing its efficiency in those lines. Such employments demand little skill; the requirements of each are simply and easily satisfied. They constitute a low order of farm labor, if worthy to be classed with it at all, and are excrescences upon its fair face.

The evil that the Industrial Commission perceived has grown. In the past 50 years there has been much social progress for virtually all Americans, but for migratory workers depressed conditions still prevail.

Migrants generally are easily identified as outsiders. Their faces are those of strangers and, for many of them, differences of color and other physical characteristics serve as badges of identification. Their heavily laden cars or trucks, packed with beds, cooking utensils, and furniture are easily distinguished from those of campers on vacation. Even their work clothes by material, style, or cut seem to indicate an outside origin. All along the way are those who take advantage of the migratory worker's helplessness. Professional gamblers, prostitutes, and peddlers of dope follow the work routes to obtain, each in his own way, a share of the migrant's money.

Residents tend to separate migrants from themselves in domicile and law, in thought and feeling. They assign special places to migrants seeking shelter, or leave them to go where their poverty and condition force them. Here they encamp in tents or simply under canvas supported by a rope strung between two trees or from the side of the car to the ground. They sleep on pallets, or on bedsprings or folding cots which some of them carry. Where rains are frequent during work season they find shelter in crude shacks. On farms they use what shelter their employers may provide.

The lines of segregation are further sharpened, particularly for Negroes, Mexicans, and Puerto Ricans by differences of skin color, stature, and language. For several years the Mexican Government declined to allow its citizens to go to Texas under the Mexican-United States International Agreement because of the flagrant social discriminations under which they had to live.

Customs, codes, and laws, like plants, take root, grow, and endure best in soils that stay in place. The customs of migratory farm laborers rarely find their way into codes and laws, at the close of the season when the people scatter, their ways vanish with them.

Established residence is the primary qualification for exercising the right to vote. By the very nature of their occupation, migratory workers find it difficult to qualify. In some States an additional obstacle is the poll tax. It is not surprising under these circumstances that the interests of migrants are easily slighted in the laws.

Take, for example, the laws governing education, relief, health, and other social benefits. Migrants work in communities where they do not live. Since it is not working in a community but *living* in it that confers a legal right to such benefits, the migratory worker is usually excluded. During the great distress migration of the 1930's, some State legislatures increased these residence qualifications. The migratory worker was adversely affected by this in two ways: (1) It became more difficult for him to acquire legal residence in the State into which he moved, and (2) the State from which he migrated took steps to bar claims based on former residence. These barriers remain generally on the statute books today.

State barriers are compounded and reenforced by those set up in the county. "Willful absence from the county" for more than 6 months is one device used to deprive returning migrants of their rights. Administrators find residence requirements a convenient reason for denying basic rights to migrants. Thus State by State, county by county, township by township, nearly every unit of government seeks to evade responsibility for these migratory workers.

These characteristics have been discussed as relating primarily to domestic migratory farm workers, i. e., to those who are United States citizens in name, but who, because they migrate, fail to share the rights, privileges, and full benefits of our citizenship. Many of the same characteristics apply equally to migrant workers who come from abroad. All migratory farm workers, citizen and alien alike, perform similar work, serve the same employers, and are segregated in some degree from the communities in which they work. Yet in some important respects, their situations are different.

Domestic migratory farm workers not only have no protection through collective bargaining but employers as a rule refuse to give to them the guarantees they extend to alien contract workers whom they import. These include guarantees of employment, workmen's compensation, medical care, standards of sanitation, and payment of the cost of transportation. As these protections can be extended to alien contract migrants, it ought to be feasible to extend them also to domestic migratory workers.

Domestic farm migrants do, however, have one security which alien contract labor does not have: Whether they quit or are discharged, they cannot be deported. Last in order of security and first in order of exclusion from the community is the illegal Mexican alien, commonly referred to as a "wet back." Under constant threat of apprehension and deportion, his life is one of furtive insecurity. In the hands of employers inclined to make use of the wetback's disabilities, the result is virtually peonage. Moreover, the ramifications of the wetback traffic spread to the community at large. Those of the community who oppose the wetback system and would be rid of it come to live in fear of reprisals from those who seek its perpetuation.

What Does Migratory Labor Contribute to the Nation's Agriculture?

In recent decades, the Nation's agriculture has year by year needed successively less manpower. Mechanization and continuously improved techniques of production are the main reasons for this. In consequence, agriculture is overcrowded and there is a persistent though irregular movement of population out of agriculture which carries along both farm families and hired workers. If this movement were abrupt, those "belonging" to agriculture could be clearly identified. However, it is not abrupt or clean-cut. Rather, the separation is partial and gradual, in the sense that many hang on and eke out an existence at extremely low levels of income. This "hanging on" occurs with farmers and with hired labor as well. Farm economists estimate that half of the Nation's 6 million farms could supply the needed food and fiber. That is to say, the less productive half of our farms add little to the total commercial product. From an economic point of view, these farm operators might better be employed at other occupations.

There are now roughly 4¼ million wage earners who depend principally on farm employment for their incomes. Most of these will find employment in September when farm work is at its peak. When farm work is slack in December and January, less than 1 million are employed. If hired workers are grouped according to the farm employment they receive, the numbers by amounts of employment are approximately:

Year-round (250 or more days' employment	600 thousand
Regular (150 to 250 days' employment)	400 thousand
Seasonal nonmigratory (under 150 days' employment)	2¼ million
Migratory	1 million

It is evident that the majority of those supplying labor to agriculture are part time and temporary employees. They serve but they do not really "belong." Their jobs are tenuous and insecure. Migratory laborers are at the bottom of this heap of insecurity and suffer from chronic underemployment and poverty.

Most of the Nation's farm work is done by working farmers and members of their families, embracing approximately 10 million workers. For every hired agricultural laborer, there are between two and three farm family workers and of the hired farm laborers less than one-fourth of them are migratory. In terms of the total farm work force of the Nation—family and hired workers together—migrants number only 1 in 14.

Migratory workers receive less employment than any other farm workers. Consequently, their contribution to the Nation's farm work is not in proportion to their numbers. Primarily because of underemployment, migratory laborers supply only 3 to 4 percent of the man-days of work that are used to produce the Nation's farm output. Although their contribution in total is not great, it is most significant at the critical periods of crop production. W

Migratory labor is employed principally in cotton, fruits, vegetables, and sugar beets. Dairy farms, livestock farms, poultry farms, and diversified general farms hire virtually no migratory labor. The work on the latter type of farm is done almost exclusively with family workers and regularly hired or year-round wage hands.

Not all farms producing cotton, fruits, vegetables, and sugar beets employ migrants. In fact, migratory farm workers are primarily employed on a comparatively small number of farms which use large quantities of labor, i. e., 250 man-days or more per year or more. There are approximately 125,000 such farms. They amount to 2 percent of the farms of the Nation and produce crops equal to approximately 7 percent of the value of all farm products.

A small proportion of the Nation's migratory labor force is employed on small farms and family farms. This occurs in areas and on farms which specialize in the production of crops having a short but high seasonal labor demand. When important seasonal activities occur at about the same time, the labor needs become intense and many farms in the area may then become dependent on migratory labor. In many cases, these small farms are in a sense "captive farms" because they are dependent upon large-scale food processors or sugar-refining companies to supply them with their seasonal labor and to buy their crop. This, for example, is the problem in Michigan where farms are not generally large-scale or industrial but are specialized in producing truck crops, fruits, and sugar beets. Nevertheless, small and family farms which need seasonal labor are generally able to meet their labor needs with temporary workers from within their own communities.

In substance, then, the role of migratory labor in the Nation's agricultural economy comes to this:

(*a*) Migratory workers are 7 percent of the Nation's farm manpower; they perform less than 5 percent of the man-days of work. W

(*b*) The farm employers who depend to any significant extent on migratory labor and who are the principal employers of migratory labor amount to only approximately 125,000 or 2 percent of the Nation's farmers. These farms produce less than one-tenth of the value of the national farm output.

(*c*) Small farms in areas where production is specialized in crops having highly seasonal labor demands also use significant amounts of seasonal labor, some of which is migratory. Here the contribution of migrants is secondary, however, because it serves mainly to supplement family and local labor.

From the standpoint of the total agricultural labor supply, migratory labor is not, therefore, a problem on most of the Nation's farms. It is primarily a special concern of a small number of large and highly specialized farm employers.

Notwithstanding that farm migrants are only 7 percent of the Nation's farm manpower and do less than 5 percent of the Nation's farm work, migratory farm labor cannot be dismissed as having little significance. To the migrants themselves the problem is of great and pressing importance. Moreover, in addition to the human problems involved, the system of migrant labor has implications for our economy and for our culture which we should no longer neglect.

More Food, Fewer Workers, Less Dependable Employment

Past decades have witnessed revolutionary changes in labor productivity in American agriculture. These changes are significant when manpower needs and employment opportunities are considered. Though the developments are general throughout all agriculture and apply to all types of agricultural manpower, certain of them are of special significance to the problems of migratory and seasonal labor. These changes in productivity and their relation to labor requirements are graphically set forth in charts I and II.

Farm output in the past decade greatly expanded, but this expansion was achieved without increasing the labor needed on the Nation's farms. On the contrary, the total labor required has declined as productivity per man-hour of work has increased. It is notable that productivity per man-hour of labor continued to rise consistently through World War II.

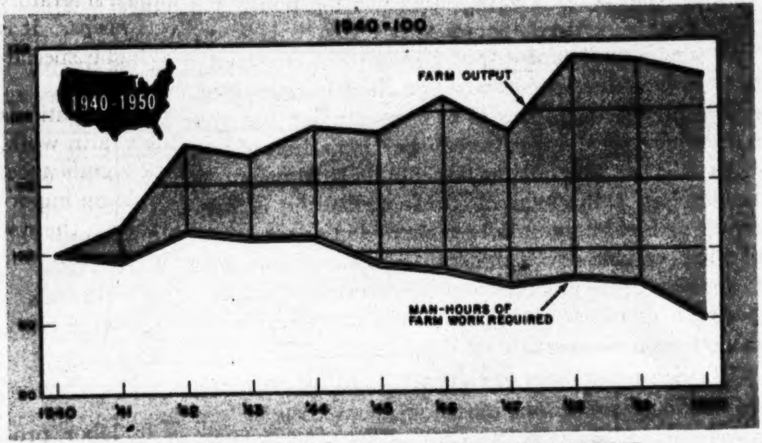
This greater productivity has been achieved through using more and improved machines and better farming practices. In 1949 we produced 27 percent more than in 1940, but our labor requirement was 5 percent less than in 1940. As the United States Department of Agriculture reported with respect to the economic outlook for 1951, "The big supply of power and machines now on farms means not only that less time is needed for farm work but also that farmers are better equipped than ever before for an emergency."

Along with the reduction in man-hours of labor needed, the total number of workers in agriculture also has declined. Employment of hired workers, working farmers, and unpaid members of farm families decreased by 8 percent between 1940 and 1949.

Mechanization and improved farm technology have helped us to produce more with less labor. The national diet has become more bounti-

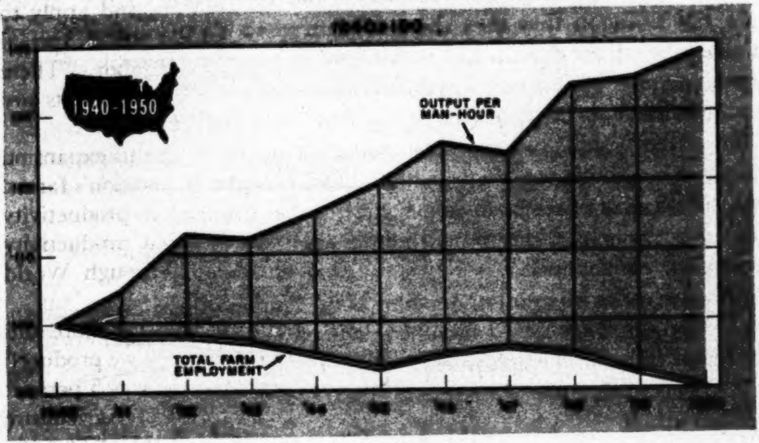
CHANGES IN FARM OUTPUT AND REQUIRED MAN-HOURS OF FARM WORK

Chart I



CHANGES IN OUTPUT PER MAN-HOUR AND TOTAL FARM EMPLOYMENT

Chart II



ful in quality, quantity, variety, and nutritional value. But in contributing to this bounty, machines have had a disproportionate impact on various types of farm work. By replacing horses and mules, machines have greatly reduced the workstock that is kept on American farms. The winter employment that formerly was involved in caring for work stock and equipment has now been largely eliminated. Mechanization of the preharvest phases of crop production has gone further than in harvesting operations, although mechanization of the wheat, corn, and hops harvests are notable exceptions. Many of the major harvests remain yet unmechanized. Moreover, the acreages of many crops requiring hand harvest have expanded in recent years. In consequence of these various developments, the seasonal character of the Nation's farm labor demand has become more extreme. The active work season has been shortened and the brief harvest period is yielding less employment for the workers.

The drastic changes in patterns of annual farm employment are seen by making comparisons of seasonal variations in farm employment for hired workers now with those of approximately two decades ago. These comparisons are graphed for four regions in chart III.

The charts for the East North Central and West North Central States are significant in that they show a tremendous drop in employment during the winter months and no increase in summer employment. In both areas the work season was greatly shortened.

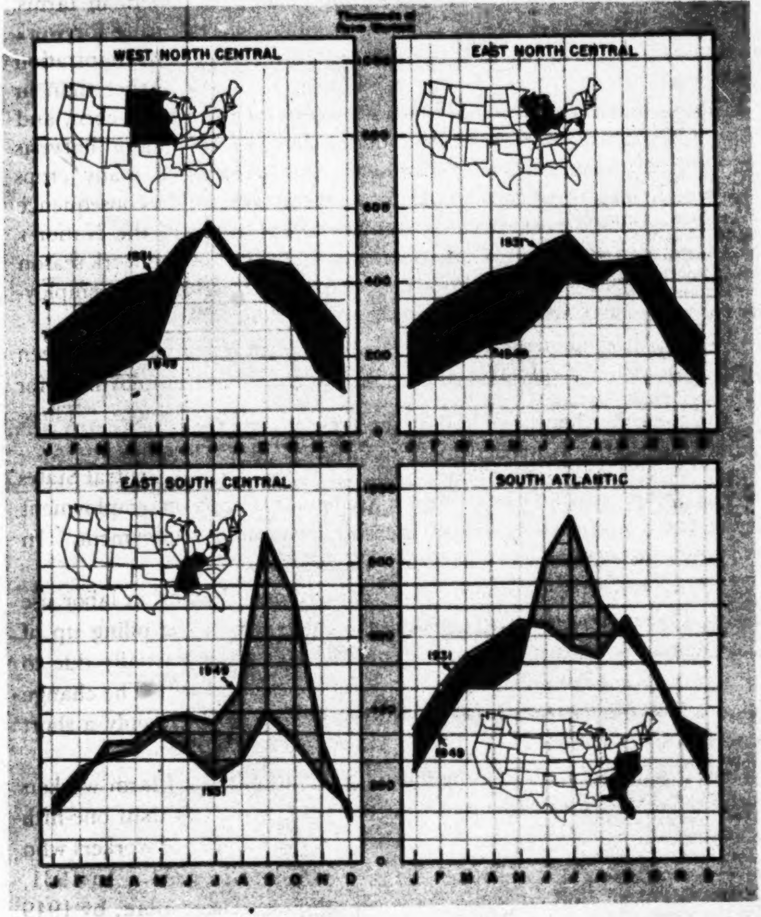
The charts for the Southern States show some reduction in labor use during the winter, but the outstanding change is in the piling up of labor demands during the summer. This increase is partially due to the substitution of seasonal wage hands for sharecroppers. The change again is toward a larger proportion of workers who have only a short season of employment.

Two decades ago, almost one-half of the Nation's hired farm workers could get employment 12 months in the year; now, less than one-fifth can get a full year of employment. In 1949, the number of workers who could get a full year's work was 800,000 less than in 1931. In 1931, 70 percent of all workers could get work for 8 months or more; by 1949 only 40 percent could get that much employment.

The above figures are based on the amounts of employment which actually occurred, as reported by the United States Department of Agriculture. Because of the loss of time between jobs and competition among workers for such jobs as are available, the employment experience of individual workers would be even less favorable. In other words, because of loss of time in moving from one job to the next, the average amount of work actually received per worker would be less than the charts indicate. This is especially true for migratory workers. Region

Changes in Seasonal Employment of
HIRED FARM WORKERS
Month by Month 1931 and 1949
Four Regions

Chart III



by region, the changes in the proportion of all workers needed for the full year are as follows:

Region	Proportion needed 12 months	
	1931	1949
	Percent	*Percent*
New England	55	31
Middle Atlantic	45	31
East North Central	46	26
West North Central	48	15
South Atlantic	52	22
East South Central	37	12
West South Central	39	11
Mountain States	38	19
Pacific States	52	16
Average for all regions	46	19

On the other hand, we find at the present time that one-fourth of all hired farm labor is needed for 2 months or less. These figures, for all hired farm workers and not for the migratory workers alone, are as follows:

Region	Proportion of workers needed for 2 months or less	
	1931	1949
	Percent	*Percent*
New England	5	25
Middle Atlantic	11	11
East North Central	12	13
West North Central	16	21
South Atlantic	4	25
East South Central	20	47
West South Central	13	34
Mountain States	13	10
Pacific States	7	17
Average for all regions	11	27

Obviously, the economic status of the majority of farm workers is more precarious as their employment base becomes narrower. In consequence, the economic status of the majority of farm workers is becoming similar to that of the migrant. Continuously shorter periods of employment opportunity explain why so many of our farm workers have had to take to the road in an effort to lengthen their period of employment and thus earn enough to obtain the bare necessities of life. These facts about employment give a foundation to the stories that have recently spread across the Nation of the poverty and hunger of migrant farm families. 1

Prospects for Mechanizing "Stoop" Labor Tasks

The mechanization that has contributed so much to increasing productivity of agricultural labor in general has been particularly important in cultivation and preharvest operations and in general farming. The hand tasks in fruits, vegetables, and other intensively cultivated crops have not been proportionally mechanized. However, progress is being made in the mechanization of some of these "stoop" labor tasks, particularly in sugar beets and cotton. 2

In California, the Commission found far-reaching changes in such mechanization already under way and in prospect. The effect of such changes on seasonal labor needs in sugar beets was reported to us by the executive manager of the California Beet Growers' Association:

> We have used, as I have said, great numbers of the so-called "stoop labor" class of labor throughout the years prior to the war. Today we don't use so much. We have gone through the whole gamut. We have used Chinamen, Japs, Hindus, Filipinos, Mexican Nationals, Mexican wetbacks, if you please, Indians, Negroes, Bahamians, prisoners of war and what-have-you. * * * We have always been willing to take any kind of labor that we could get when we needed them; domestic labor when it was available. When it wasn't we had to get what we could to get our crops harvested. * * * Today sugar-beet farmers are using very few Mexican Nationals because of our smaller requirements for stoop labor. 1

As implied in the foregoing testimony, sugar beets have in the past been heavily dependent on migratory labor. The effective application of mechanization is recent. In 1945, 30 percent of California's sugar-beet crop was harvested by machines; by 1950, the extent of machine harvesting had increased to between 85 and 90 percent, which is now believed to be the full extent of mechanization of the harvest. The sugar-beet industry of California, heretofore one of the State's major users of seasonal migratory labor, has thus reduced its harvest labor needs to such an extent that they are no longer of much significance. Labor requirements for preharvest handwork are being reduced, although this is being achieved primarily through changes in seeds and in planting and cultural practices rather than through mechanization. The continued need for preharvest handwork does not, however, aggravate seasonal labor requirements in California because it occurs at a time when other seasonal work is slack.

In contrast, the 100,000-acre sugar-beet crop in Michigan is at present much less mechanized. Here, less than 1 percent of the acreage was harvested mechanically in 1945. Since then, mechanization has progressed rapidly and it is estimated that 60 percent of the acreage was harvested by machines in 1950. Farm leaders in Michigan estimate that 95 percent of the sugar-beet acreage will be harvested by machines within 3 or 4 years. There remains a comparatively large need of seasonal hand labor for preharvest cultivation; in 1950, the estimate was that 15,000 seasonal workers were needed for spring work as compared with 5,000 for harvesting work. As in California, mechanization of preharvest handwork has been comparatively slow, but a mechanical beet thinner has already been proved experimentally practical and new cultivation methods are also in an advanced experimental stage.

Cotton stands alone in the magnitude of its dependence on migratory labor and in its association with Mexican contract labor and with the wetback traffic. But even here there is promise of change. From the manager of the Arizona Cotton Cooperative Growers' Association, we have this significant statement:

> Now, on the cotton-picking machines, we believe that we can see the time in the very near future when cotton-picking machines will eliminate most of the problems caused by migrant labor in Arizona. At the present time we have enough machines in this State to pick approximately 25 percent of this year's crop, if they are used full time. The machines must have careful operators and skillful operators. They cannot all be trained to use those overnight, but machines apparently are taking over the biggest part of the total. I think it is entirely possible that the problems which are created by this great influx of labor may be to a large extent removed or solved, and the grower will gain more economical harvesting of his cotton at a time when he wants to do it, making it unnecessary for him to worry much about the labor supply.
>
> However, machines will never replace all of the labor. Early in the season cotton must be picked by hand. Some growers will prefer to pick by hand. Even last year we had machines standing idle because there were hand pickers available.

Greater progress toward mechanization of the cotton harvest has been made in California than elsewhere. In the San Joaquin Valley, cotton is a major crop which at present employs 40 percent of all seasonal labor required in the valley. In 1945 less than 1 percent of the California cotton crop was picked by machines. Mechanical cotton pickers began to be introduced significantly in the postwar years; by 1948, 9 percent of the crop was picked by machine; in 1949, 17 percent; and it is estimated that 35 percent of the 1950 crop was picked mechanically. Qualified experts say that ultimately 90 percent of the crop in California will be harvested mechanically, and, moreover, that it is quite possible that this level of mechanization will be reached in less than a decade. This estimated level of mechanization will reduce seasonal labor needs to incidental amounts and will mean that only a few of the present 90,000 seasonal workers in the San Joaquin Valley cotton crop will any longer be needed.

On the other hand, mechanical cotton picking in the South has not yet developed far. The Yazoo-Mississippi Delta, for example, which produces about the same quantity of cotton as the San Joaquin Valley of California, harvested only about 5 percent of its cotton by machines in 1950. This proportion of machine picking, compared with 35 percent in California, is particularly notable because there are actually more picking machines in the Delta than in the San Joaquin Valley.

There are evidently several reasons why mechanical pickers in the Delta are not in full use and for the slowness in mechanization. Adaptations to climate and environment have been more difficult. Wet weather, high humidity, rank growth of the cotton plant, and weeds are all serious problems. Lower wages are undoubtedly an additional and significant reason. With wage rates for cotton picking at present levels, there is little incentive to turn to machines because costs of hand picking and machine picking are too nearly equal.

The Commission was told, nevertheless, that mechanization of cotton picking in the Delta was only a question of time. Growers and agricultural experts are convinced that obstructions to mechanization can and will be removed. It is estimated that eventually 90 percent of the cotton on farms having 100 acres or more will be mechanized on both preharvest work and picking. This will include two-thirds of the cotton acreage of the Delta area.

It is notable also that experimental progress is being made toward mechanizing some hand work which is commonly thought not to be adaptable to mechanization. For example, in response to the question, "Is there any conceivable way of harvesting asparagus by mechanical equipment?", the executive secretary of the California Asparagus Growers Association, said:

> We have such a machine in the field this year. It is the second year of research into the development of mechanical harvesting. We feel that eventually we will develop a harvester that will handle the harvesting of asparagus. It is the aim of the industry.

Similarly, a spokesman for the California citrus fruit industry reported:

> We have in the research laboratories machines which will eventually take care of much of the need of additional labor in the citrus industry. Given another 3 or 4 years, assuming we can go along on normal production by using the inventive skill that we have, I don't think the citrus industry will be in need of this migrant labor. We will have machines to take their place. Of course, if we have to put that inventive capacity to war production, it might be postponed for a few

> years, but in the citrus industry, I don't think we will be asking for the importation of labor for too long.

As we saw in the preceding section of this chapter, mechanization and other changes in agricultural technology have had the effect of aggravating the seasonality of farm employment. Ultimately, parallel mechanization of hand tasks may restore greater balance to the seasonal distribution of farm employment. However, the facts above related only indicate the possibilities; they are not a comprehensive survey establishing probable occurrences. Notwithstanding the achievements already made and the prospects of further advances, it would be unwise to suppose that machines will soon entirely replace seasonal hand labor. Many fruit and vegetable harvests—cherries and green beans, for example—will be difficult to mechanize. Meanwhile, the plight of those who are trying to make a living from the short-term employment offered in agriculture remains a challenge to the Nation.

Labor Service, Not Jobs With Standards

The basic dilemma faced by farm employers, particularly those with farm operations requiring seasonal hands in large numbers, is this: They want a labor supply which, on the one hand, is ready and willing to meet the short-term work requirements and which, on the other hand, will not impose social and economic problems on them or on their community when the work is finished. This is what is expected of migratory workers. The demand for migratory workers is thus essentially twofold: To be ready to go to work when needed; to be gone when not needed.

To avoid the complications involved with domestic family migrants who find it difficult to be gone when not needed, many farm employers prefer alien labor. An employer of migratory labor from New Mexico testified: "One big advantage in using these alien laborers is that there is no social or economic problems during slack seasons as these men return to their homes in Mexico during such periods." And, similarly, from Connecticut: "* * * we have been able to meet our problems face to face and work out a program where, in the various periods of increased labor needs, we have been able to get a type of labor [alien men without their families] that is available during that period without having large numbers of persons to stay behind and become public charges. We consider that important."

Beyond wanting migrants to be available when needed and to be gone when not needed, they are expected to work under conditions no longer typical or characteristic of the American standard of life. In a period of rapidly advancing job and employment standards, we expect them to work at employment which, for all practical purposes, has no job standards. In saying this, we refer not alone to such matters as bad housing, poor sanitation, lack of medical facilities, and the problems of feeding, rearing, and schooling children. These are conditions which, over the years, have received condemnation, yet despite some improvement, for the most part they remain unsolved problems and there is little organized effort to deal with them.

In speaking of standards and conditions, we emphasize those surrounding the work itself. First among these is wages. To farm labor generally, and to migrants as well, we pay wage rates that are a little over one-third but well below one-half the average wage paid in manufacturing. To be sure, farm workers receive some perquisites, such as housing, which increase their real wages. But when the value of these perquisites for migratory farm workers was investigated by the United States Department of Agriculture in 1945, the average was about 36 cents a day. There is no reason to believe that any substantial change in perquisites has occurred since 1945. Migratory farm workers receive only about 100 days of employment per year; consequently, the average annual value of perquisites would be around $36 and certainly not over $50. By contrast, the perquisites furnished to industrial employees in the form of sickness benefits, pensions, welfare plans, paid vacations, and paid holidays now average approximately $120 per year.

Farm wages as compared with wages of workers in industry have been both better and worse than they are now. Going back to the years of 1910–14, which is the base period for determining parity prices of farm products, farm wages were two-thirds the wages of factory workers. Perquisites for farm workers were greater then, too, because the "hired man" often lived with the farm family. In the depression years, farm wages dropped to one-fourth the level of wages for labor in factories. During World War II, the ratio of farm wages to the wages of labor in manufacturing rose to 44 percent, but since 1946, this ratio has declined each year, reaching 37 percent in 1950.

It may be noted that while the drop in comparative wages during the depression was caused by oversupply—through unemployed industrial workers returning to farms—the present decline comes at a time when farm employers complain of labor shortage. Normally, if there were a labor shortage, wages would rise. Since on the contrary they have declined, it seems reasonable to infer that the supply of illegal alien labor, plus the contract labor the Government has admitted or imported, has helped to depress farm wages relative to factory wages.

Low wages, well below prevailing standards, are thus a major barrier to farm employment whether for migratory or nonmigratory workers. Next to wages, job security is an important condition of work. While security for most industrial workers is steadily broadening and improving, farm labor generally has only a minimum of job security and migratory labor virtually no security whatever. Comparatively few migrant farm workers return each year to the same farm employer; hence, very few are able to have dependable employment relationships. They do not have the job rights that are conferred through the principle of seniority now widely accepted in industry, or through the protection of Federal and State laws.

For the migrant, there are few elements of stability in his work. What the employer of migratory farm-labor hires is usually not *a man to fill a job*, but rather *labor service* such as picking hundredweights of cotton, hoeing acres of beets, and picking hampers of beans; and the wages are usually piece rates. The employment relationship is highly impersonal. Often the employer maintains no payroll and he does not know the names of his employees nor how many on any given day are working for him. When the work is ready, such matters as experience, prior employment, or residence in the area count for little or nothing. Hiring is on a day-by-day basis. Labor turn-over in a harvest crew may be 100 percent within a week or less. The work will be divided among those wanting it up to the maximum that the field will accommodate. Members of this Commission inspected a cucumber field in Colorado where 10 pickers could have done the work and earned a fair day's pay. But there were 40 pickers in the field and each was able to earn but a pittance.

The insecurity and obscurity of the employment relationship are aggravated when labor contractors are used. Workers testifying in California told us that it was difficult and often impossible to obtain a job directly from the farmer; instead, they were referred to labor contractors. Parallel with the obscure relationship of the individual worker to the farmer when a labor contractor stands between them is that introduced in some but not all instances when growers' or processors' associations undertake, on behalf of the individual farmer, many of the functions performed by the labor contractor. As we were told in Michigan by the president of such an association, "We have lost, through that set-up, the personal relationship between the grower and his employee * * *."

Obscurity and insecurity in the employment relationship are not the only consequences of the labor-contractor system. In the typical arrangement the contractor makes his profits out of the worker's wages. When the labor contractor is used, he recruits and furnishes the crew; the farm employer turns a given task over to him and pays an agreed-upon piece rate. The farmer pays the contractor and the contractor in turn pays the workers. The workers are paid less than the contractor receives, for it is out of this difference that the contractor makes his profit. The workers may be paid a wage rate that is quite independent of the rate paid by the farmer. Or the amount retained by the contractor may be a fixed percentage of the total compensation as in the case of a labor contractor in California who testified that his margin was 12 percent. Further, the contractor may provide certain services such as transportation, food, shelter, for which the workers must pay him at whatever charges the contractor may decide to assess. When we asked a labor contractor in New Jersey how much he charged for board, he replied: "If I pay them good, I charge them good." For the migratory farm worker the contractor system has all of the evils of the sweatshop system that disappeared long ago from American industry.

The work which migrants perform is undependable. Sudden changes in weather or crop conditions often mean that the work expected or promised is delayed or is not available. In industry workers are commonly protected against such work delays or failures by provisions allowing "showup time," "down time," or "stand-by pay." Such provisions are rare in American agriculture. In losing work time through these uncertainties, the worker bears the full insecurity of the job. Though the employer may undertake the risk in producing the crop, there is little sharing of the risk of employment uncertainties.

Finally, the migratory laborer has virtually none of the social protections we commonly extend to industrial workers. He has no unemployment insurance, no minimum-wage standards (except in the inadequate provisions of the Sugar Act), no old-age and survivors insurance, no disability insurance, and in most States he is not protected by workmen's accident insurance.

Unreliable Jobs, Unreliable Workers

Standards and conditions for farm laborers have not on balance improved much in the past half century. For the progressively smaller proportion that are employed the year round, living conditions are undoubtedly better. For the increasing majority temporarily employed, except for minor and isolated improvements in housing and sanitation, conditions have become worse because employment is more brief and uncertain. For those farm employers who rely on migratory workers, the problem of a labor supply is today almost identical with that of 40 years ago. In 1909 President Theodore Roosevelt's Country Life Commission found that—

> There is a growing tendency to rely on foreigners for the farm labor supply, although the sentiment is very strong in some regions against immigration. It is the general testimony that the native American labor is less efficient and less reliable than much of the foreign labor. This is due to the fact that the American is less pressed by the dire necessity to labor and to save, and because the better class of laborers is constantly passing on to land ownership on their own account.

In almost every region in which we held hearings some of the farm employers or their representatives who testified told us that the domestic labor supply was inadequate or unreliable, and that they must, therefore, have foreign labor. The following statements are representative of this position. They were all made to this Commission at hearings held in the summer and autumn of 1950. It must be emphasized that the spokesmen we quote do not represent the agriculture of the Nation or even a major portion of it. Indeed, they do not represent a majority of the Nation's farmers who are employers of labor. They do, however, represent that portion of the employers of migratory labor which has come to rely on foreign labor as a supplement to or substitute for domestic labor. Some of the statements by such employers are the following:

> *Arkansas.*—As I said there a while ago, cotton is a slave crop, nobody is going to pick it that doesn't have to. Now these Texas-Mexicans have found out that there are many other things that they can do, that they are ready to do, than pick cotton, and the [Mexican] national is about the only reservoir of labor that we know of that really wants to pick cotton, because he gets more money than he ever saw in his life before, or ever expected to see, and people that can get anything else to do, don't want to pick cotton.
>
> *California.*—Of all the groups tried, excepting the locals, the Mexican national is by all standards the best suited to this work. By temperament and aptitude, he seems especially adapted to farm employment. He, as a farmer, likes to work with living plants and trees. Mexico is one of the few remaining states which is still largely agrarian.
>
> *Colorado.*—Now the reasons why I take that position are: First, that this Mexican farm labor will and can do the type of work here required of foreign labor in a satisfactory way to the employer; secondly, the proximity of Mexico to this area is a big argument economically and otherwise; thirdly and lastly, the laborer from Mexico himself profits extraordinarily by accepting employment of the kind we are talking of. I said "lastly," but I want to put in another element. From a national point of view, I conceive, and I am convinced by my thought in the matter, that any nation is very fortunate if that nation can, from sources near at hand, obtain the services on beck and call of labor, adult male labor, on condition that when the job is completed the laborer will return to his home. That is exactly the situation of this area.
>
> *Connecticut.*—The Jamaicans have sold themselves to the communities there in Connecticut to a much greater extent than any other type of foreign labor, and particularly to a much greater extent than most of your [domestic] migratory labor could ever do.
>
> *Florida*—Naturally, the Association makes an effort through all possible sources to obtain such personnel from domestic sources, but since 1943 a sufficient number of domestic personnel ready, willing, and able to work has not been available. Hence the Association has continued to obtain the necessary authorization from the United States Employment Service and the Immigration and Naturalization Service to recruit and employ British West Indians.
>
> British West Indians employed by any member of Florida Sugar Producers Association have not at any time presented a social, economic, or health problem to any welfare organization or community in which they have been used.
>
> *New Mexico.*—The time has come when farmers along the southern

> border of the United States must stand up for their rights and demand that either the historic free movement of necessary seasonal labor from Mexico be permitted, * * * [or] that farmers be given, not a "new deal" nor a "fair deal," but a good, honest "square deal" in the use of Mexican seasonal labor.
>
> *Texas.*—Because of the shortage of local labor we are absolutely dependent upon Mexican labor to do the necessary grove work, likewise we are dependent upon Mexican labor for the harvesting of the fruit.

Although the labor supply problem of this group of farm employers has changed little in 40 years, there is a striking contrast in the changes that have taken place in the labor-supply problem of nonagricultural employers who at one time claimed that they, too, had to have immigrant labor. The Country Life Commission, 1909, reported the common problem of industry and agriculture:

> There is a general, but not universal, complaint of scarcity of farm labor. This scarcity is not an agricultural difficulty alone, but one phase for expression of the general labor-supply problem.

This parallel between agriculture and industry in getting a satisfactory labor supply soon changed, however. After World War I, immigration was greatly restricted by application of the 1917 Immigration Law. Thereafter, industry was no longer able to rely on immigrant sources for its labor supply. Manufacturing, construction, and other nonagricultural industries in the early twenties sent representatives to the House and Senate Immigration Committees to urge that in view of their dependence on foreign labor, the immigration laws be modified. The statements made 30 years ago on behalf of these industries are remarkably like the testimony this Commission has heard from agricultural employers in 1950. For example, in 1921, the Senate Committee on Immigration was told by the chairman of the National Federation of Construction Industries that:

> The greatest shortage in this country is unskilled or common labor. The American-born youth aspires to something better than unskilled labor and the only supply to keep the ranks of common labor full is through immigration.

In 1923, the National Association of Sheet and Tin Plate Manufacturers told the House Committee on Immigration that the same was true of the skilled trades:

> But you cannot get American boys to take up trades. In the first place, the social atmosphere of a trade is what they object to, and they rather resent the fact that they cannot mingle with everybody else, if they are a plumber or a tailor or a carpenter.

The following quotation from the New York Journal of Commerce was submitted to the House Committee on Immigration in 1923:

> A certain class of worker is necessary to the progress of our industries and the present immigration law has practically eliminated this class.

The hearings of the House and Senate Committees on Immigration in the early twenties reflected this commonly held opinion among nonfarm employers. The statements made then by nonfarm employers are similar to those made to this Commission by farm employers in 1950. Those who employ seasonal or migratory labor today are in a position on labor supply similar to that of nonfarm employers three decades ago. Industrial employers, however, were not permitted to have the immigrant labor supply that they demanded in the early twenties and such demands are no longer heard. Why do farm employers still demand importation of foreign labor while nonfarm employers, excepting the railroads during World War II, have long since abandoned such demands?

At least a partial answer to this question may be suggested: When industrial employers were denied the immigrant workers they demanded, they were compelled, among other things, to develop working conditions and job standards compatible with the expectations of American workers. Farm employers of migratory labor, on the other hand, continue to offer jobs and working conditions that are no better and in many respects are worse than those offered three and four decades ago. Having failed to move forward on employment standards and finding that domestic labor does not respond readily to the working conditions offered, farm employers now ask for foreign laborers willing to accept the low standards they offer, or who are compelled to do so by "dire necessity," to use the words of the Country Life Commission of 40 years ago.

In considering the problem of a reliable labor supply for agriculture, the Country Life Commission did not believe that the solution was to import foreign labor. Rather, the recommendation of that Commission was as follows:

> There is widespread conviction that the farmer must give greater attention to providing good quarters to laborers and to protect them from discouragement and from the saloon. The shortage of labor seems to be the least marked where the laborer is best cared for. *It is certain that farming itself must be so modified and organized as to meet the labor problem at least halfway.* While all farmers feel the shortage of help, the Commission has found that the best farmers usually complaint least about the labor difficult. [Emphasis added.]

Unfortunately, the advice of that Commission has not been heeded, at least so far as migratory farm workers are concerned. Save for exceptional instances, employers of migratory workers have not met the problem halfway.

The Issue of Public Policy

The issue we face as a matter of national policy is this: Shall we continue indefinitely to have low work standards and conditions of employment in agriculture, thus depending on the underprivileged and the unfortunate at home and abroad to supply and replenish our seasonal and migratory work force? Or shall we do in agriculture what we have already done in other sectors of our economy—create honest-to-goodness jobs which will offer a decent living so that domestic workers, without being forced by dire necessity, will be willing to stay in agriculture and become a dependable labor supply? As farm employers want able and willing workers when needed, so do workers want reliable jobs which yield a fair living.

We have long waivered and compromised on the issue of migratory labor in agriculture. We have failed to adopt policies designed to insure an adequate supply of such labor at decent standards of employment. Actually, we have done worse than that. We have used the institutions of government to procure alien labor willing to work under obsolete and backward conditions and thus to perpetuate those very conditions. This not only entrenches a bad system, it expands it. We have not only undermined the standards of employment for migratory farm workers, we have impaired the economic and social position of the family farm operator.

The operator of a family-type farm is a capitalist but one whose income is derived primarily from his own labor. In this sense, he is also a laborer. He aspires to an income adequate to maintain an American standard of living. He is, therefore, in a poor position to compete with the foreign worker who is willing to accept lower wages, who leaves his family at home, and who makes no demand on his employer or the communities after the crop season's work is done.

An example of how imported foreign labor displaces working farmers is found in the Midwest and the Great Lakes States which have long been the cradle of independent family farming. In past years canners and processors of vegetables have acquired their raw products principally by purchasing them from family farmers. In recent years some of these canners and processors have begun to rent land and to grow their own crops. Just as the steel industry established "captive mines" from which to get their coal, so now do canners turn to "captive farms" for their vegetables. To get the labor needed to operate their large plantings of vegetables, these canners turn to Government, and Government assists them in getting a supply of foreign workers.

Cheap foreign labor is advantageous to the owners of the large-scale farms which employ "stoop" labor in great quantities. Such farms are only 2 percent of the Nation's farm units, approximately 125,000, and only a fraction of this small number employs most of the alien farm workers. This cheap labor is in competition with the great group of family-type farms. It is hardly consistent for our Government to encourage a family type of agriculture and at the same time give direct assistance to the operators of large-scale farms in recruiting and employing low-wage foreign workers whose products compete with those of the family-type farms.

There is nothing wrong or immoral in employing foreign workers in American agriculture when there are mutual advantages in doing so. Employment of foreign workers is really not the issue. The point is that our Government has an obligation to make certain that these foreign workers do not reduce still lower the wages of domestic farm workers and the incomes of family-farm operators.

The issue then is job standards. We must raise the standards and conditions of work in migratory farm employment and thereby eliminate the dependence by farm employers on poverty at home and misfortune abroad as the foundation of the recruitment of their labor supply.

Fundamentally, this means that public policy must encourage farm employers to build reliable jobs for reliable people, not to maintain obsolete and intolerable standards. The management of our farms must learn to do what management in industry and commerce have done to conserve human resources and increase the efficiency of its workers. We must build toward an agriculture that will yield a decent American income for those who provide labor.

Achieving this will take time. It will take continuous cooperative efforts of farm employers, farm workers, private organizations, and institutions of government at all levels, united in support of a public policy consistent with our national aims and ideals.

The Federal Committee on Migratory Farm Labor

To promote this cooperation we propose the establishment of a Federal Committee on Migratory Farm Labor to coordinate the activities of the different levels of government and private groups concerned with problems of migratory farm labor in the United States. Discussion of the need for such a committee, its composition, and role will be found in chapter XII, A Coordinated Policy and Program for Migratory Farm Labor. This chapter also includes a recapitulation of all of our recommendations. Recommendations on specific subjects will be found at the end of each of the following chapters.

Chapter 2

Migratory Farm Labor in Emergency

Among the questions we were directed to investigate was:

> * * * whether sufficient numbers of local and migratory workers can be obtained from domestic sources to meet agricultural labor needs and, if not, the extent to which the temporary employment of foreign workers may be required to supplement the domestic labor supply.

We have examined this question in the context of the present defense emergency. Whether and to what extent we will need foreign labor depends on two important factors: (*a*) What level of farm production may be anticipated in the present emergency and how much labor will be needed to produce it; (*b*) how large our domestic labor force will be and how effectively we use it.

Farm Production and Labor Requirements for the Emergency

At our request, the United States Department of Agriculture has estimated prospective farm output for 1951 and 1952. In preparing its estimates, the Department took account of emergency food and fiber needs and the ability of the agricultural plant, within its biological and resource limits, to respond to those needs. The Department's recommended cotton-production goal of 16 million bales has already received much attention. Cotton, however, is but one of the farm commodities of which increased supplies are needed; other urgent additional needs include wool, feed grains, and livestock. Farm-production goals must be considered in total. To appraise the emergency on the basis of any one crop or commodity is to distort perspective. If we are to produce a great deal more of one commodity, it may be necessary to curtail production of other commodities, but the Department advises us there are no important farm products in which reductions are in order. Consequently, the urgently needed increases must come as net additions to the total output, which automatically puts limitations on the amount of increase we can expect in any particular farm product.

The prospect of a 1951 cotton crop of 16 million bales has been cited in support of demands for additional alien farm labor. While this does represent a sharp increase from the 9.9 million bale crop of 1950, it is well to recall that we produced a 16.1 million bale crop as recently as 1949 and a 14.9 million bale crop in 1948. The 1950 cotton crop was abnormally small mainly because of Federal production controls. A 16 million bale cotton crop is more "normal" than was the 9.9 million bale crop of 1950.

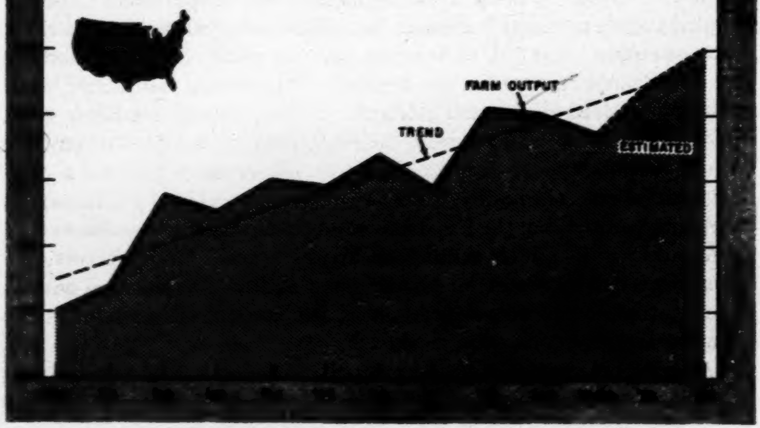
Estimates of farm output in 1951 and 1952 were made by the Department of Agriculture as projections of its "index of farm production," which is the statistical way of measuring the Nation's total farm production. These production estimates are possible maximum outputs on the assumption of favorable weather and growing conditions. The estimates for 1951 and 1952 are shown in relation to output during the past decade in chart IV. From the perspective of our progressively mounting production record of the past 10 years, the recommended emergency farm output of the next 2 years appears to involve no break with the past. On the contrary, it is normal expansion along well-established lines.

In emergency, there is not occasion for as much change in agriculture as in many other industries. Food needs are not deferrable like automobiles and refrigerators. In emergency, our food and fiber needs are much the same as in "normal" times except that we need more. Consequently, emergency for agriculture means the maintenance of "normal" production with as much acceleration as possible of the most urgently needed products.

FARM OUTPUT 1940-1950

with Estimates for 1951 and 1952

Chart IV



What the situation may be after 1952, we do not attempt to guess. However, it is to be noted in chart IV that farm production during World War II, though somewhat above the trend for the entire decade, was nevertheless no great departure from that trend. This suggests that even if the emergency is more intense by 1953 and thereafter, we need anticipate no marked change in the trend of agricultural production.

How much labor will be needed to produce the expected farm output of 1951 and 1952? The number of man-hours required for the expected production will depend largely on whether we continue to increase the productivity of farm labor. In chapter I, we noted that output per man-hour rose just as rapidly during World War II as in the years preceding and following. Increasing attention is being given to mechanization of hand tasks. In view of the results so far achieved, it is realistic to believe that progress in this area alone will be sufficient to sustain the established trend of increasing labor productivity. There are two contingencies which could upset this trend: (*a*) that the emergency situation becomes so intense that materials for new machines will be less available than during World War II; (*b*) that hand or "stoop" labor supply will be kept so large and wage rates consequently so low that it will not pay farmers to mechanize. (The latter, incidentally, has been one of the obstructions to mechanizing the cotton harvest.)

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The next question to which we must turn is: how many workers will be needed to provide the required man-hours of labor? The answer here depends on how effectively we use our labor supply. The evidence in chapter I makes plain that human resources, particularly those of hired labor, have not been used to the best advantage. During World War II, we used our farm labor supply more effectively than before or since.

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Our Farm Manpower Experience in World War II

Changes in the size of our agricultural labor force in the past decade are graphed in chart V. The number of farm family workers remained almost constant during the World War II emergency. At the peak of the war effort in 1945, farm family workers were only 4 percent less than in 1940. In contrast, the number of hired workers declined sharply. Hired farm workers in 1945 were approximately a half a million—almost 20 percent—below 1940. Yet, at this stage of the war emergency, we were producing more crops and livestock than ever before.

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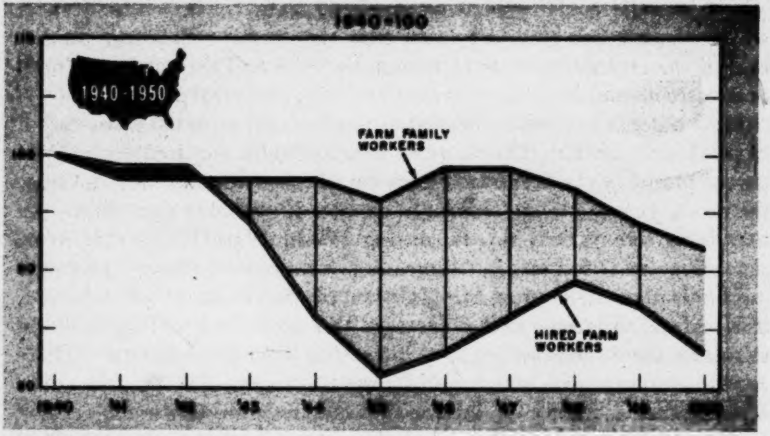
Our attack on wartime agricultural manpower shortages was multifold. Importation of foreign workers was only one of many approaches. We also instituted programs to mobilize volunteer workers and to bring high school students, housewives, and townspeople temporarily into farm employment. These recruits replaced some of the workers who had

CHANGES OF EMPLOYMENT OF FARM WORKERS

• Family Workers • Hired Workers

Chart X

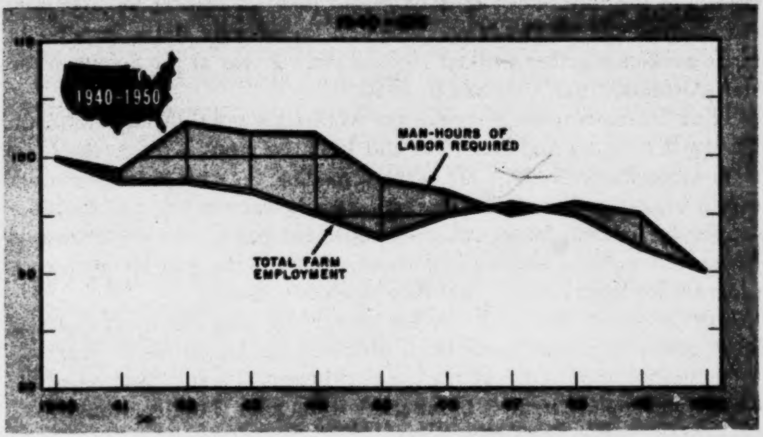


gone into the Armed Services and into war industries. We helped farm people in the areas of low productivity to move so they could be more effectively employed. Information services about farm labor needs were greatly strengthened, and farm employers were encouraged to estimate more accurately the timing and amounts of their labor needs. In order more effectively to utilize the limited labor available, farm employers were encouraged to enter into group pooling arrangements whereby their joint labor needs could be met with a smaller number of workers. Methods of simplifying work and working procedure were also given much attention.

The contribution to the Nation's farm work made by foreign labor was comparatively small, although considerable sums of Federal money were spent to import these workers. In 1945, we were employing 92,700 foreign workers. At the peak, foreign workers were 2.7 percent of our hired farm labor employment. Of total farm employment, including hired, as well as farm family workers, foreign labor at the peak was only 7/10 of 1 percent. Since many of the foreign workers were here only for a portion of the year, their work contribution was below the average for all workers—family and hired. Therefore, the proportion of the nation's farm work performed by foreign workers was probably less than 1/2 of 1 percent. Moreover, the foreign workers were not generally used throughout the Nation but rather were concentrated in a few areas. The largest group of foreign nationals was made up of Mexicans who were employed principally in California and in the Northwest. California alone got 63 percent of the Mexicans

CHANGES IN FARM LABOR REQUIREMENTS AND FARM EMPLOYMENT

Chart VI



in 1945. California together with Washington, Oregon, and Idaho had 78 percent of all Mexican nationals for that year.

In 1944 and 1945, we used prisoners of war in slightly larger numbers than foreign workers. The contribution to the Nation's agricultural work by prisoners of war was approximately equal to that of foreign workers for the years 1944 and 1945. Prisoners of war were geographically more widely scattered than foreign workers.

As before, working farmers and members of their families were the backbone of the Nation's agricultural work force all through the war.

As chart VI shows, the amount of labor required (in man-hours) has, with the exception of the years 1942–44, gradually declined throughout the decade. Total farm employment, principally because of the losses of hired labor, declined more rapidly and consistently from 1940 through 1945. These comparative changes in labor required and in total employment after 1940 demonstrate that a successively smaller labor supply did a larger amount of work. How did we get a larger number of man-hours from a smaller work force?

One might well expect that longer hours per day was the method of maintaining the work output from a shrinking labor force. However, hours per day for both family and hired workers increased very little and then only in the very early years of the war period. Primarily, *we got more efficient use of our labor supply by getting more days of employment per year.*

In replacing regularly hired workers who had left farm employment with volunteers and part-time workers, it might be thought that the overall average days of work per person would decline. Notwithstanding this substitution in the labor force, however, the average rose significantly. The short periods of work by volunteers were more than offset by increases in the number of days of employment of regular workers who remained in the hired labor force. On the average, farm family and hired workers together worked 10 days more a year at the height of the war emergency than they had in 1940.

These increases in employment per worker are not difficult to explain. During the thirties and into 1940 and 1941, we were using much of our farm labor ineffectively. We were spreading the available farm work over a larger number of workers than actually was needed. As the labor supply diminished, better labor management practices were necessary. These were utilized, as described above, as part of the over-all emergency program for farm labor. And they produced results.

Our programs and activities for conserving and efficiently utilizing labor resources on the home front produced far bigger results than did foreign labor importation or the use of prisoners of war. Because of the loss of over half a million hired farm workers, a shortage would have occurred if nothing had been done.

For the nation at large, farmers and members of their families, by working more days per year, contributed more to avoiding a possible farm labor shortage during the war than did all other phases of the emergency program combined. Hired farm workers also, by working more days per year, contributed more than was gained by the total contribution of both foreign workers and prisoners of war. The foreign labor program on which the bulk of the emergency appropriations was spent, contributed the least to the nation at large, but it obviously contributed much to the small number of farm employers in those few States which got the majority of the imported foreign workers. The domestic hired labor force, by working more days per year, contributed about three times as much to avoiding a possible labor shortage as did all the foreign workers.

Postwar Changes in Utilization of Farm Labor

Since 1945, our farm labor force has been employed less and less effectively. From 1945 through 1948, we employed a continuously larger hired labor force even though our work requirement (total man-hours) was gradually declining. In other words, we have been using more workers to achieve the same or slightly less work, and have thereby been reducing the work contribution per worker. This fact is strikingly reflected in the amount of employment received per hired farm worker:

Year	*Days of farm work per farm worker*
1946	113
1947	106
1948	104
1949	90

By using our work force less and less effectively each year since 1945, we have now arrived at a level of labor utilization approximately as low as that which prevailed in 1940.

These facts indicate that there is ample room in which to apply and push forward those programs which will contribute to the greater effectiveness of our domestic farm labor force. There is opportunity and challenge to get more farm work done by making the domestic labor supply go further in work accomplishment. In the migratory labor group particularly, we are wasting many more days than we are using.

Experience as a Guide for the Present Emergency

In the past decade we not only learned how to produce more food and fiber with less labor, we bridged a world war emergency in doing so. We know from experience that it is possible to use our domestic labor force with greater efficiency than we did before the war or than we have done since. We are profligate in our use of the human resource in agriculture. The migratory worker gets so little work that for him, employment is only incidental to unemployment. We ought not to be misled into a policy of importing foreign workers on a large scale. Instead, we need to correct our present inefficiencies in the utilization of domestic workers.

Estimated farm output for 1951 is 3.6 percent above 1949. (We use 1949 for comparison instead of 1950 because 1949 was a more normal year—several crops were reduced by Federal production controls in 1950.) If this additional output were to require an equal percentage increase in man-hours, then we would need approximately 700 million additional man-hours to produce the 1951 output. These additional man-hours could be supplied by the present domestic labor force, including farm family labor, if each worker put in 6½ more days per year. And even at that they would be working 3 days less per year than in 1945. The average hired farm worker who in 1949 was getting only 90 days of farm work—23 less than in wartime—would be willing, if given the opportunity, to contribute this amount and more.

Actually, the above calculation overstates the additional labor needed because it makes no allowance for continued improvement in productivity through mechanization. The changes in the past 2 years will have considerable effect on the need for hand labor in 1951. Unless the emergency becomes extreme, mechanization will proceed and will undoubtedly further reduce the need for hand labor.

Another aspect of prospective farm labor needs deserves attention. Aside from restoring our cotton production for 1951 to the 1949 level, emphasis will be placed on expanding wool, feed grains, and livestock. None of these depends on migratory labor to any significant extent. In none of them, with the possible exception of wool, has the employment of foreign nationals ever been of any consequence. Most foreign nationals who could be brought here for temporary employment are inexperienced in handling machinery or taking care of livestock. Hence, to suppose that foreign labor importation would solve any labor problems for these types of farming seems unwarranted.

Still another aspect of prospective farm labor need should be anticipated. Since we have mechanized our farming operations, more workers are needed who are experienced in the use of machinery. Workers with such mechanical experience will be among the first to leave the farms for industrial employment, if defense plant activities expand. We cannot import workers of this type for temporary employment. They will have to be developed from within our domestic labor supply.

It is more difficult to estimate prospective labor supply than to estimate farm labor needs. The difficulty arises from the fact that basically agriculture must rely not upon its own hired labor supply, but upon whatever is left over from other employments. Moreover, this is true largely because agriculture does not compete on equal terms with other major industries for its labor supply. Agricultural employment is largely accepted only by those who cannot find nonfarm jobs or farms of their own. Consequently, when nonfarm employment is stagnant, as in the thirties, agriculture has too many workers; when industrial jobs are easy to get, workers tend to leave farm employment and there is a farm labor shortage. To know the prospective farm labor supply, it is first necessary to know the expected level of nonfarm employment.

At the present state of the emergency, the answers to these basic questions are not available. So the best that can be done is again to project the experience of the last war emergency. During World War II, as chart V shows, our losses from the force of working farmers and their family members were slight. Our losses from the hired farm labor force, on the other hand, were great. Even so, the average net loss of hired farm workers per year from 1940 to 1945 was approximately 100 thousand. At the level of ineffectiveness at which we are now using our hired farm labor, it would take only a few days more work per year by those remaining in the farm labor force to offset emergency period losses of 100 to 200 thousand workers per year. It is doubtful, under present circumstances, if a faster rate of loss of farm labor should be anticipated.

We Know How To Use Labor More Effectively

In a sense, farm labor is always an emergency. The fact that we have imported and contracted more foreign workers in the past 4 years than we did in World War II is ample evidence in itself that "emergency" is not a matter of wartime. Even when our national farm labor supply is more than abundant, there are local complaints of labor shortage. Our use of human labor in agriculture is inefficient whether under "normal" or emergency conditions.

Our failure to build orderliness in farm employment, and particularly in employment of migratory labor, is more a lack of will to do so than a lack of knowing how to do it. Under pressure of emergency, the Department of Agriculture and the Agricultural Extension Services, which were responsible for most of the domestic farm labor program in World War II, developed management practices in the use of labor. Yet when the pressure was off, these activities and programs were nearly all discontinued.

On the whole, farm employers, particularly those employing hand workers in large numbers, have given little thought to developing modern practices for managing labor with the objective of conserving it and making its use more efficient. In our hearings, we asked many questions on this topic. In some instances, the employer witnesses seemed not to understand our questions. In other instances, the questions were understood but the responses were negative. Nevertheless, a growing number of farm employers know they have a task before them. In fact, many farm employer leaders appear to be more alert in this respect than is the leadership in some Federal and State agencies which presently have responsibilities for administering farm labor programs.

Most farm employers are well organized and have many avenues through which to express their desires. One of the best of these channels of expression is an organization called the Special Farm Labor Committee. Its members are farm employers or representatives of farm employers' organizations from every State. Its primary purpose is to advise the Farm Placement Service of the United States Employment Service on farm manpower programs. Though this Committee naturally speaks only for the interests of farm employers, it has clearly acknowledged that there are many basic management jobs to be done.

Proposals along these lines were made by the Special Farm Labor Committee which met in Washington, D. C., January 1950, 6 months before the Korean crisis. Although at this meeting, the Committee requested that the foreign labor program be continued in 1950, it also made other recommendations. For example, its subcommittee on factors in recruitment reported that program planning required "better evaluation of figures on crop acreages and labor requirements based on normal crop seasons," also that the Employment Service should make "greater use of temporary or seasonal offices or greater use of volunteer farm placement representatives, whichever was most practical based on individual State and local conditions." The report of this subcommittee concluded with this statement:

> As a general conclusion, it was felt that careful selection, adequate wages, reasonable housing, and other factors are desirable and neces-

> sary, but are not sufficient of themselves in creating the successful placement of a satisfied worker, that it is of equal importance to see that the worker or the worker and his family are brought into the full life of the community.

At the same meeting of this Special Farm Labor Committee, the subcommittee on factors in employment reported:

> This group feels that a large preponderance of the difficulties arising from relationship with migrant workers is due to lack of training, lack of supervision, and lack of work planning.

And further:

> The committee recommends to the Employment Service that, at the national level, they determine what has been done by the State Extension Services in the way of either employer or employer education, and then proceeds to work out, in conjunction with their State Advisory Councils, at State level, programs to furnish, augment, or complete such programs.

These were some of the suggestions made by the Special Farm Labor Committee in January 1950. When the Committee met again in September 1950, emphasis was still placed on the desire for foreign labor, yet the Committee found many improvements to be made in the management of the domestic labor supply. Among points covered by recommendations at this meeting were:

> (*a*) Farm Placement should seek the advice of appropriate agricultural agencies or departments and of agricultural organizations in appraising prospective agricultural labor requirements as a means of obtaining realistic estimates of needs;
>
> (*b*) Agricultural labor users and organizations should be encouraged to organize agricultural labor users associations where they do not now exist; these associations to act as liaison between Farm Placement and individual users, to provide or arrange for needed housing or other facilities, and to aid in the placement of agricultural labor in the area;
>
> (*c*) We recommend to all agricultural labor users and user groups that they provide and maintain good housing facilities. This will result in better working relationships between workers and employer. Every effort should be made to see that adequate educational, recreational, and health facilities are available to the worker.

The committee further recommended educational and training programs:

> Each year new employers hire farm workers and each year many new workers enter the farm labor force. Effective labor management, supervision, and training are of increasing importance to assure efficient utilization of an increasingly limited labor force. It is therefore strongly recommended that steps be taken now to develop and put into force needed educational programs in each local area hiring considerable numbers of workers. In planning such a program, consideration should be given to facilities available through private agencies and institutions. For example, implement dealers should be encouraged to

> conduct training schools for the training of workers in the operation of mechanical equipment, similar to those which have been conducted for years in the care and maintenance of equipment. Local organizations and cooperatives should be encouraged to assist in the planning and conducting of educational and training programs; employers should be impressed with the need for such programs and encouraged to assist in every possible way. Steps should be taken to include in the courses of instruction now being conducted for farm people more * * * material * * * relating to labor information, supervision, and training. Land-grant colleges should be encouraged to give more emphasis to problems incident to the hired labor force in the courses of resident instruction.
>
> During World War II much valuable training material was developed and widely distributed to employers and workers. It is recommended that a review be made of these materials, and that supplies of those still adaptable be again made available for distribution.
>
> The USES should obtain the cooperation of the Extension Services and other agencies of the Department of Agriculture in carrying out these recommendations.

These recommendations, it must be remembered, originated exclusively with farm employers. They are constructive ideas and their adoption would contribute much to meeting the current emergency. Yet there is little evidence that either farmers or governmental agencies are actively applying these recommendations. When the Employment Service called the Special Farm Labor Committee to Washington for another meeting on January 18 and 19, 1951, the Secretary of Labor predicted a farm labor shortage of 400 thousand. Thereupon, the discussions and recommendations of the Special Farm Labor Committee centered on how to get enough foreign labor to meet the shortage.

Our investigations of the present farm labor problem and our analysis of this country's experience during the years of World War II and since, point to certain conclusions which to us seem inescapable in the present emergency.

RECOMMENDATIONS

We recommend that:

(1) First reliance be placed on using our domestic labor force more effectively.

(2) No special measures be adopted to increase the number of alien contract laborers beyond the number admitted in 1950.

(3) To meet any supplemental needs for agricultural labor that may develop, preference be given to citizens of the offshore possessions of the United States, such as Hawaii and Puerto Rico.

(4) Future efforts be directed toward supplying agricultural labor needs with our own workers and eliminating dependence on foreign labor.

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Chapter 3

Alien Contract Labor in American Agriculture

The Executive Order directs that we inquire into several aspects of the employment of foreign labor in the United States. There are both legal and illegal aliens in our farm labor force, the latter being several times the larger. Illegal aliens—their extent and the consequences of their employment—will be discussed in the next chapter. Here, we shall be primarily concerned with legal aliens imported and employed under contract.

World War II Emergency Importation of Foreign Workers

Mexicans have been the principal foreign group in our farm labor supply for several decades. The 1917 immigration law established administrative controls excluding many aliens on the basis of personal qualifications. Previously, there was comparatively free movement across the Mexican-United States border. But the movement was never very great. The immigration law of 1917 had hardly become effective when we waived it as an emergency measure during World War I to admit Mexican workers for temporary employment in agriculture, railroads, and mines. Between 1917 and 1921, 73,000 came in under this emergency waiver.

Mexican immigration during the twenties was governed by the 1917 law and subsequent immigration legislation. However, inasmuch as the legislation was administered leniently, there was considerable inmovement, both legal and illegal. Though the illegal traffic was fairly large, it was but a fraction of the illegal traffic of today. The favorable employment opportunities in the Southwest and in California, which were the foundation of the movement of the twenties, were quickly reversed in 1929. Whereas in the twenties we absorbed a Mexican population of about a milion, in the thirties we disgorged almost half a million people of Mexican origin. Great numbers of these, becoming disemployed in the United States, were repatriated in destitution.

During the forties, the northward flow started again. Months before Pearl Harbor, farm employers in the Southwest and in California initiated demands that administration of the immigration law be adjusted to allow entry of Mexican workers. As other fields of employment attracted workers from the domestic farm labor supply and the prospects of local farm labor shortages appeared in the spring of 1942, farm employers' demands for foreign labor became more urgent. Our Government responded and again, as in World War I, we turned to Mexico. The first intergovernmental agreement providing for World War II emergency importation of Mexican nationals was signed in August 1942. This agreement and its later amendments were supplemented by Public Law 45 of April 29, 1943. This legislation, subsequently amended several times, was concerned with domestic as well as foreign aspects of farm labor in the war emergency. Among other things, the Congress determined general policies of importation and authorized the expenditure of public funds for recruitment, transportation, placement, and supervision of foreign workers.

The wartime emergency farm labor program extended through 1947. Throughout this period foreign workers were recruited, transported, and were placed by agencies of the United States Department of Agriculture and the affiliated State Agricultural Extension Services. In the years 1942 through 1947, the Government, at public expense, brought some 219,500 Mexican agricultural workers to the United States.

In addition to Mexicans, we imported farm workers from other sources. Intergovernmental agreements similar to the one with Mexico were negotiated with a number of other neighbor governments. From 1943 through 1947, we imported 50,598 Jamaicans, 18,423 Canadians, 15,241 Bahamians and small numbers from Newfoundland, British Honduras, and Barbados. At the peak period of employment in each of the years of the wartime program, foreign nationals from the various principal sources employed in farm work under contract in the United States were as follows:

Year	Mexican nationals	Bahamians and Jamaicans	Others	Total
1943	32, 278	13, 114	....	45, 392
1944	63, 432	24, 312	3, 823	91, 567
1945	61, 687	25, 991	5, 063	92, 741
1946	41, 044	19, 668	8, 698	69, 410
1947	31, 331	9, 553	7, 421	48, 305

Although the emergency farm-labor legislation extended through December 31, 1947, the Department of Agriculture discontinued importation early that year. Only 19,000 Mexicans were imported in 1947, but since some of those imported in previous years had stayed over, 31,000 were legally here and employed during the year. However, a new type of activity appeared in 1947, namely, the process of "legalizing of illegals," and this was to be the dominant feature of the Mexican alien farm-labor program not only for 1947 but also in the years since.

In the war-emergency program, the Mexican Government had refused to supply its nationals to any State in which there was discrimination. Texas had been excluded from the Government program on this ground. In lieu of legal aliens under contract, a large number of Mexican illegal aliens had accumulated in Texas. When the Department of Agriculture indicated its intention to terminate the importation program in the spring of 1947, the Governments of the United States and Mexico agreed to legalize the status of some of the illegal aliens. Under this agreement, approximately 55,000 illegal Mexican aliens in Texas were thus legalized in the summer of 1947. This was separate from the program of the Department of Agriculture. The further growth and ramifications of this process of legalizing illegal aliens by putting them under contract will be discussed later.

Puerto Rico Not Used in World War II Emergency

One of the outstanding features of the wartime labor program was the neglect of Puerto Rico. Puerto Ricans were available in large numbers and received some consideration in the early emergency manpower proposals. Puerto Ricans were, however, not utilized and it may be that the reason for this neglect, notwithstanding that Puerto Rico suffered large-scale unemployment, was the reluctance of farm employers to accept Puerto Ricans. One basis of a preference for other than Puerto Ricans was expressed by the president of a Florida growers association to the Secretary of Agriculture as follows:

> The vast difference between the Bahama Island labor and the domestic, including Puerto Rican, is that labor transported from the Bahama Islands can be diverted and sent home if it does not work, which cannot be done in the instance of labor from domestic United States or Puerto Rico.

In postwar years, Puerto Ricans have entered the farm labor force of the mainland. The characteristics and circumstances of their employment will be discussed later.

Areas of Employment of Imported Foreign Workers During World War II

The wartime Mexican labor program of 1943–47 placed farm workers in 24 States. At the peak of the Mexican program in 1945, California had 63 percent of the total Mexican workers employed during the year. But this inadequately states the proportion concentrated in California because, from January through April, California had as much as 90 percent of the total. Even in these slack months, California had more than 20,000 Mexican contract workers.

The other principal recipients of the wartime Mexican farm labor program were Washington (6 percent), Idaho (5 percent), Oregon (4 percent). These three States plus California accounted for 78 percent of the Mexican nationals employed in 1945. Of the 16 other States participating in the Mexican program at its peak, the following States had from 1,000 to 3,500 workers: Arizona, Colorado, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Utah, and Wisconsin.

The work performed by the Mexican contract workers, though principally hand labor, covered a fairly wide range of farm products. Their employment was primarily in fruits, vegetables, sugar beets, and cotton. They were scarcely used in livestock, dairy, poultry, or diversified general farming.

Though we imported over 50,000 Jamaicans through the years 1943–47, the maximum employment at any one time was 21,000. At the peak of their employment, the Jamaicans were scattered widely over 21 States—New York had 3,000; California 2,700; and other States had smaller numbers. The peak employment of Bahamians was 5,700. The largest concentration of Bahamians was in Florida, and after finishing seasonal work there, they were moved along the Atlantic Coast and ultimately were scattered over 25 States, including the South, the North Central States, and as far west as Wyoming. The employment of both of these British West Indian groups was principally at hand work in fruits, vegetables, and sugar cane.

Contract Aliens as Proportions of the Wartime Farm Labor Force

In terms of the national farm labor force, the contract alien program was of little significance. Contract aliens in the peak year of the wartime program amounted to 2.7 percent of the Nation's hired farm labor force. Of the total farm work force, including farm family workers as well as hired workers, foreign contract workers at the maximum were $\frac{7}{10}$ of 1 percent. Foreign contract labor each year, in proportion to the total labor force, was as follows:

Year	Contract foreign labor	All hired labor	Total farm workers family and hired	Percentage, contract foreign workers of	
				Hired workers	Total farm workers
1943	45, 392	4, 383, 000	15, 428, 000	1. 0	0. 3
1944	91, 567	4, 148, 000	15, 339, 000	2. 2	. 6
1945	92, 741	3, 487, 000	14, 208, 000	2. 7	. 7
1946	69, 410	3, 654, 000	14, 638, 000	1. 9	. 5
1947	[a] 48, 305	4, 017, 000	15, 116, 000	1. 2	. 3

[a] Does not include wetbacks who were given contracts.

Foreign Agricultural Labor Importation and Contracting Continued Through Postwar Years

The World War II emergency foreign labor program for agriculture was handled entirely under Government administrative machinery and with appropriations for that purpose. In effect, the Government was the labor contractor. The basic statutory authority for this program was the ninth proviso to section 3 (the clause excluding aliens generally) of the 1917 immigration law which is as follows:

> That the Commissioner of Immigration and Naturalization with the approval of the Attorney General shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission.

Also, under the authority of the ninth proviso, the Railroad Retirement Board and the War Manpower Commission facilitated the importation of Mexican nationals for nonagricultural employment, principally on railroad maintenance-of-way. The importation of Mexican nationals for railroad employment was terminated at the end of 1945. Importation of alien farm labor, unlike the alien labor program for the railroads and most other wartime emergency measures, was not terminated at the end of the war.

Use of contract alien farm labor has not only continued but has expanded to a maximum, in 1949, much bigger than the maximum of the wartime emergency. The supplementary legislation contained in Public Law 45 and its subsequent amendments expired at the end of 1947. The importation and contracting of alien farm workers from 1948 and thereafter has rested on the statutory authorization in the ninth proviso to section 3 of the 1917 Immigration Law.

Supplementary to the above statutory authorization, the postwar importation and contracting program for Mexicans has been handled under a series of revised international executive agreements dated March 10 and April 2, 1947, February 21, 1948, and August 1, 1949. The Mexican farm labor program of 1950 was under the terms of the August 1949 Agreement. The intergovernmental agreements with the islands of the British West Indies lapsed at the termination of the emergency program. The importation of Jamaican and Bahamian labor since 1947 has occurred entirely on the basis of work contracts negotiated between private employer interests of the United States and the island governments or their agents. Bahamian and Jamaican labor imported into the United States since 1947 has not been protected by government-to-government agreement.

The Immigration and Naturalization Service, the United States Employment Service and its Farm Placement Service, and the Department of State have all rendered assistance to private employers contracting otherwise inadmissible aliens for temporary farm employment.

Mechanics of Postwar Foreign Labor Importation and Contracting

The International Agreement with Mexico establishes standards and conditions under which Mexican nationals may be employed temporarily in the United States. Also, there is an intergovernmentally negotiated Individual Work Contract which further determines employment relations and working conditions on the job. In addition, there are the following documents relating to the Mexican program:

(*a*) An information bulletin issued jointly by the Commissioner of Immigration and Naturalization and the Director of the United States Employment Service.

(*b*) A joint interpretation of the International Executive Agreement by the Governments of Mexico and the United States.

(*c*) A joint interpretation of the Individual Work Contract conditions of employment by the Governments of Mexico and the United States.

The employer and the Mexican contract worker both sign the Individual Work Contract. The employer, in addition, signs an Application for Permission to Retain and/or Import Mexican Agricultural Labor.

For Bahamian and Jamaican workers, there is no counterpart of the International Agreement or any of its supplements. The "Work Agreement" for Bahamian agricultural workers and the "Agreement for Employment of Jamaicans in Agricultural Work" are both negotiated directly between private farm employers in the United States and the Bahamian or Jamaican Governments or their agents. The employer, the worker, and the agent are the parties to these agreements.

The bringing of foreign labor into the United States, whether under the terms of governmental agreement or privately negotiated agreement, is contingent on official certification of need for foreign labor. The conditions governing certification of need for foreign labor are set forth in the Information Bulletin on the Mexican labor program issued jointly by the Commissioner of Immigration and Naturalization and the Director of the United States Employment Service. The Information Bulletin states that Mexican nationals will be admitted for temporary employment as agricultural workers when:

(*a*) the need for their services is conclusively established following investigation and certification by the Immigration and Naturalization Service and the United States Employment Service, respectively, and

(*b*) the admission of such Mexican nationals will not result in displacement of American farm workers or otherwise detrimentally affect such labor in this country.

With reference to the Mexican labor program, the determination of whether a labor shortage exists commences with the farm employer's application to the local employment service office, his request being made, incidentally, in terms of *Mexicans* as such. If the local employment service finds that domestic workers are not available, the employer's application for Mexicans is sent forward to the State Employment Service and if the State office cannot supply domestic workers, the application is referred to the regional office of the United States Employment Service. Concurrent with the application being sent from the State office to the regional office, the employer is advised to file the "Application for Permission to Retain and/or Import Mexican Agricultural Labor" with the Immigration and Naturalization Service. If, subsequently, the request for Mexican workers is approved by the regional and national offices of the United States Employment Service, all that remains to be done is to get the approval of the Immigration and Naturalization Service and of the Government of Mexico.

When these necessary approvals have been obtained and when the appropriate arrangements for recruitment have been made with Mexico, the selection of the workers begins at a recruitment point designated by Mexico as a recruiting center. At the recruiting and contracting center, the parties present are: the employer or his representative who selects the workers; officials, and medical examiners of the Mexican Government who oversee the recruitment and give the worker his physical examination; representatives of the United States Public Health Service who assist in the physical and health examinations; representatives of the United States Employment Service who assist in recruitment and selection of workers and in signing the Individual Work Agreements; representatives of the Immigration and Naturalization Service who process the papers required to fulfill immigration laws and regulations.

Workers recruited in interior Mexico then proceed northward to the border in transportation facilities supplied by the employer and approved by the Mexican Government. At the border, the workers' persons and credentials are again briefly examined by the Immigration and Naturalization Service and the United States Public Health Service. The contract is reviewed and noted by the representatives of the Mexican consulate who also inspect the transportation in which the employer proposes to convey the contract workers to their place of employment. This inspection of transportation equipment covers safety and comfort features. Thereafter, on approval of transportation, the contract workers are conveyed to the place of employment at employer expense.

Responsibility and supervision over the contract and behavior of the contracting parties is assigned by the International Agreement as follows:

> The United States Employment Service, in cooperation with the Immigration and Naturalization Service, will make periodic inspections to ascertain that the terms of the Agreement and the Individual Work Contract are being complied with.

In practice, we find that jurisdiction over the performance of the contract for the United States Government is assumed to be the responsibility of the United States Employment Service while jurisdiction over the body of the alien is assumed to be the role of the Immigration and Naturalization Service. The Mexican consulate for its Government shares in both. To discharge its obligation to make periodic inspections to ascertain that the terms of the International Agreement and the Individual Work Contract are being complied with, the United States Employment Service has maintained a maximum of nine inspectors or "Compliance Officers" in the United States who are assigned as needed to the various regional offices of the United States Employment Service. State employment services, beyond their role in certifying labor shortage, have no responsibility for the work contracts. Nevertheless, the State offices are expected to pass along complaints or observed violations. The Immigration and Naturalization Service, though charged with cooperative responsibility to enforce the contract, concerns itself with the contract worker principally when it is time for him to return home or when he has been reported as having deserted his contract.

A provision for conciliation of employer-worker disputes is contained in the International Agreement. The Individual Work Contract contains no such provision but does contain a reference to the conciliation procedure in the International Agreement. Mexican contract workers and employers are given copies of the Individual Work Contract, which is in both Spanish and English. Workers and employers are not always given copies of the International Agreement, which is only in English.

Complaints alleging violation of the Individual Work Contract may be initiated in three ways: Officially by the United States Employment Service or privately by either worker or employer. If an officially initiated complaint is not adjusted, the Mexican consulate is called in for a joint investigation. Complaints from workers may be received by the United States Employment Service or submitted through the appropriate Mexican consulate. Complaints by employers are received by the United States Employment Service. On all types of complaints the Mexican consulate may be called in for joint investigation and determination.

As a matter of practice, we find that while employers may refer some complaints to the United States Employment Service, workers' complaints are ordinarily referred initially to the Mexican consulate. Let it be borne in mind that this conciliation procedure is contained in the International Agreement (in English, which the typical Mexican worker cannot read) but is incorporated only by reference in the Individual Work Contract (where the Spanish-reading Mexican worker finds out in Spanish that there is a conciliation procedure available to him if he could read English).

Again in the International Agreement, but not in the Individual Work Contract, there is the following provision:

> Workers admitted under this Agreement shall have the right to elect their own representatives from among members of their groups, to maintain contact between the Workers and the Employers.

The Joint Intergovernmental Interpretation of this provision says that the designation of such representatives is "for the purpose of discussing with the employer any question arising under the Individual Work Contract, but not for the purpose of changing its terms or conditions. * * * this article does not, however, have any reference to union memberships or collective bargaining activities."

For the farm employer or association of farm employers, the conciliation provision may be somewhat more adequate than it is for the foreign workers with a language handicap in a strange land. To expect the Mexican contract worker to locate one of the nine United States Employment Service inspectors or to relay his complaint to them through the State employment service is to expect more than is within his capability. Consequently, if he can get in touch with the Mexican consulate, that is about the best he can do. This cumbersome and complicated procedure, involving several government agencies in general and none in particular, encourages desertion in place of making a complaint because every complaint has the potentiality of being lost or ignored.

Farm employers, as well as workers, have apparently found difficulties in living with the work agreement. An employer of contract workers from New Mexico told us of employers' difficulties in the following words:

> When * * * the Commissioner of Immigration, proposed a contract, I was very delighted and very pleased, because I thought it would be a solution, and then, when the contract was presented to us, it was absolutely one-sided, only protection for the worker and no protection whatever for the employer, and I was very much disappointed. However, we have contracted quite a few men under this, and I know that we can't live up to the contract 100 percent. It is just a piece of paper. If we get along with the men and are able to satisfy them and they don't go to the Mexican consul and kick, we get by. If they go to the Mexican consul and kick, we can get into a lot of trouble, and I think after my several years' experience with it, that the farmer is in very desperate need whenever he will sign a contract with a foreign nation, where he hasn't got a chance as an individual to put his side of the case, or anything else. It is very arbitrary on the part of the Mexican consul and the Mexican Government in taking his men away from him or what not, if he makes any infraction of the rules or makes a mistake.

From the evidence available to us, it appears the conciliation procedure is little used. Rather, the Mexican contract worker simply takes flight from a situation which he finds unsatisfactory or intolerable. The lack of an appropriate way of resolving employer-worker differences is one of the main reasons for a large proportion of Mexican nationals returning home before the completion of their contracts or simply deserting or "skipping" their contracts. In the one region in which we have information, desertions from contract were 20.8 percent in 1948 and 20.2 percent in 1949. Of the Mexican nationals under contract in the United States on August 31, 1950, one-third were in illegal status, primarily by deserting their contracts. Desertions from individual contracting employers range from as low as 4 percent to as high as 50 percent. Moreover, it is noted that there is a tendency for those employers having a high desertion rate in one year also to have a high desertion rate the next. We interpret this to mean that desertions from contract vary with individual management and working conditions. Where these are good, the desertions are low.

Under the terms of the August 1, 1949, International Agreement, contracts for work in sugar beets may be for a period of not less than 6 weeks; employment in cotton may be for not less than 3 months; for all other employment, the contract period is not less than 4 months. No contract may be for more than 6 months. However, with the consent of the Mexican consulate, the worker, the United States Employment Service, and the United States Immigration and Naturalization Service, workers may be contracted for additional periods provided that the worker shall remain in the United States no longer than 1 year.

The contracting of Bahamians and Jamaicans is much simpler than of Mexicans. The only governing instruments are the privately negotiated work agreements and United States Immigration Law. After having received the necessary certification of labor shortage from the United States Employment Service and having posted the required bonds with the Immigration and Naturalization Service, the farm employer or his agent proceeds to the Island and recruits his workers. Recruitment is under the general supervision of the Island Government. Physical examinations are made by the medical staffs of the Island Governments. The employer arranges transportation and makes advances when needed for transportation and other expenses. After clearing through an immigration station, the workers are conveyed to their employment in transportation arranged by the employer but paid for by the worker.

No procedure for handling complaints is set forth in the Bahamian or Jamaican work contracts. Each government maintains agents who supervise their performance. Apparently, communicating his complaint to this agent of his government is the only recourse a worker has under either of those contracts. The rights and responsibilities of the agent are not defined in either case. In the instance of the Jamaicans, and the procedure evidently is parallel for the Bahamians, the agent investigates the complaint and decides for or against the worker. But apparently the employer is to share in any final decision because the Jamaican contract provides that "if the Employer and the Agent determine that the Worker is unwilling to work in accordance with the terms of this Agreement or determine that the Worker has committed an act of misconduct or indiscipline, or if the Worker engages in work at any time for other than the Employer to whom he is assigned, or if the Worker violates any law of the United States of America, this Agreement may forthwith be terminated and upon such termination the Worker shall immediately be returned to Jamaica at his own expense."

Both the Bahamian and Jamaican agreements permit withholdings and deductions from the worker's pay. For the Bahamian worker, the permissible and mandatory deductions from pay are as follows:

(*a*) Against advances for transportation and subsistence expenses the employer may recover at a rate not exceeding $5 per week from all earnings in excess of $12.50 per week.

(*b*) A sum not exceeding $25, under the same deduction limitations as above, may be withheld and retained by the employer to pay deportation or repatriation costs of a worker who is required by urgent personal affairs to return to the Bahamas prior to the expiration of his agreement or becomes subject to deportation because of law violations or unwillingness or inability to work under the agreement as interpreted by the employer and the agent.

(*c*) The employer is required to withhold 25 percent of gross earnings, of which 2 percent is retained by the employer "to cover administrative expenses." The remaining 23 percent is sent to the Bahamas Government to be placed to the worker's credit.

(*d*) For meals and living accomodations, when furnished, the employer may charge not in excess of $1.40 per day.

Provisions for withholding and deducting from pay in the Jamaican agreement are generally similar. Advances may be recovered at the maximum rate of $7 per week. For meals and housing furnished, the employer may charge a maximum of $1.60 per day. The employer is to withhold 20 percent of gross earnings and remit the same to the British West Indies Central Labour Organisation in Washington, D. C. (agent for the Jamaican Government). Of this 20 percent deduction, 5 percent is retained by the above agent for administrative expenses and insurance, and the other 15 percent is placed to the credit of the worker in the Government Savings Bank of Jamaica. The agreement further requires that, after payment of dependents' allowances, and when a balance of $250 has been reached, the minimum amount to be retained in the worker's account shall be $250. If the worker absents himself without leave from his employment, and hence becomes deportable, the employer may recover any deportation expenses incurred from the worker's balance, or as much thereof as the worker's balance will permit.

Inasmuch as authorized and required deductions from the pay of Bahamian and Jamaican workers are considerable, a look at what is guaranteed the worker is of interest. Both contracts guarantee $25 for each 2 weeks in which the worker was willing and able to work. If less than the minimum is earned, the employer is obligated to pay a "subsistence allowance" in the amount of the deficiency.

It may be noted that a Bahamian worker earning only the guaranteed minimum, if provided with meals and housing by his employer, would be in this situation:

Guaranteed earnings		$25
Required withholding, 25 percent	$6.25	
Board and lodging, 14 days at $1.40	19.60	
Total	25.85	

Since no other deductions are admissible under these circumstances, the Bahamian would have a deficit of 85 cents in his savings allotment of $5.75. True, the savings allotment ultimately belongs to the Bahamian or his dependents but, on deposit with the Bahamas Government, it is of little use to the Bahamian who is in the United States without a cent in his pocket from his 2 weeks of work. Under parallel circumstances, the deficit of the Jamaican would be $2.40.

The withholdings permitted under the Bahamian and Jamaican agreement contrast sharply with the deductions permitted and specifically denied under the Mexican cantract. Deductions permitted under the Mexican Individual Work Contract based on the August 1, 1949, International Agreement are limited to legal deductions, advances against wages, articles of consumption voluntarily purchased from the employer and meals which may not exceed $1.75 per day. The sharp contrast between the Mexican and British West Indian deduction allowances is that the Mexican contract prohibits the withholding of forced savings out of which the deportation costs of the alien may be recovered if he leaves his contract or otherwise becomes deportable.

Bonds Required Under Ninth Proviso

Under the ninth proviso, the Commissioner of Immigration and Naturalization is required to exact such bonds as are necessary "to control and regulate the admission and return of otherwise inadmissible aliens * * *."

These bonds, for British West Indians, have been as high as $500 per head. For Mexicans, the bond is now $25 per head. For Bahamians, it is $50; for Jamaicans, $100. In 1950, the bond for Mexicans was set at $50, but under pressure from employers, the amount was reduced to $25.

Experience shows that British West Indians desert from their contracts much less than do Mexicans. This undoubtedly is to be explained in large part by the vulnerability of the British West Indian workers to financial discipline, as provided for in their agreements. Mexican workers are subject to no such discipline.

It must be noted that the purpose of the bond is to guarantee the maintenance of status of the alien as a temporary agricultural worker and his ultimate return. While these objectives are well realized with British West Indians because of the withholding of forced savings as provided in their contracts, the bonding of Mexicans is not fully successful in either of its purposes.

Puerto Ricans in the Postwar Farm Labor Force

Puerto Ricans are citizens of the United States and are free to enter and leave the mainland as they choose. From the standpoint of citizenship, it is inappropriate to discuss Puerto Ricans in a chapter dealing with contract aliens. However, since Puerto Ricans were excluded from the war emergency program in favor of alien labor and since they now find themselves in competition with alien labor, there is obviously a functional relationship which requires their being considered in this context.

Beginning on a small scale in 1946 and 1947, Puerto Ricans have been drawn increasingly into the domestic seasonal farm labor force, reaching a peak in 1950 of 8,500 or more. Before 1950, the Puerto Rican contract workers were located mainly in the Northeast; in the 1950 season some 5,300 were contracted for sugar beet work in Michigan.

By a memorandum in February 1949, the Bureau of Employment Security of the United States Department of Labor specifically acknowledged the Puerto Ricans to be part of the domestic labor force. This implies that they should be given preference of employment over alien labor.

Technically, the movement of Puerto Ricans, either seasonal or permanent, does not require negotiation of work contracts or prior certification of labor shortage. Nevertheless, in its desire to protect its citizens as much as possible, the Puerto Rican Government has insisted on both work contracts and certification of labor need before approving recruitment of its people. The Puerto Rican work contract is negotiated directly between farm employers on the mainland and the Puerto Rican Department of Labor.

Problems in the Negotiation of the Mexican International Agreement

From the discussion above, a significant fact is clear: The Government of the United States has been willing to admit, under the authority of the ninth proviso, contract aliens for farm employment under the terms of work agreements negotiated between private employers and the appropriate foreign governments or their agents. If the foreign government demands the minimum protection of a government-to-government agreement, as does Mexico, then our Department of State undertakes to negotiate such an agreement. Otherwise, the worker is largely unprotected by any standards set by the Federal Government. The inequity of treating our neighbor countries differently and the hazards to the spirit and purpose of our immigration laws are both, unfortunately, much too obvious.

Many spokesmen for farm employers who use Mexican labor criticize the Department of State openly and severely for its handling of the negotiation of the International Agreement. They say it is one-sided and does not represent their desires or needs and that it is discriminatory because it provides better conditions for the imported nationals of Mexico than those enjoyed by domestic farm labor.

In effect, the negotiation of the Mexican International Agreement is a collective bargaining situation in which the Mexican Government is the representative of the workers and the Department of State is the representative of our farm employers. The criticisms of farm employers would imply that in this arrangement the Department of State is outnegotiated. The following is the opinion of the president of the Imperial Valley Farmers' Association:

> Negotiations with Mexico have always been settled with favor to the Mexican at the expense of the American farmer. The agencies negotiating for the farmer have given concessions to the Mexican above and beyond the conditions given to the American farm worker. These concessions are made under the excuse that Mexico will take no less. It seems to us that when these workers are coming over our borders to work regardless of agreements that common sense on the part of the United States agencies will show that we must have a program that is practical and workable without excessive red tape or the farmer is not going to use it. If Mexico's demands are untenable they should be told so and left without an agreement until we can have a fair arrangement, even though our State Department feels such conditions would be worse than a bad contract for the American farmer and even if such a contract does cause the present "Wet Mexican" problem and continued evasion by American farmers of a program that is unsatisfactory to them.

The Mexican and United States representatives do not approach negotiations with equal freedom for bargaining. Mexico, by law, prescribes minimum standards in several respects for her nationals leaving for employment abroad whereas we, by law, prescribe virtually no minimum standards for domestic agricultural workers. Herein lies the basic difficulty in the International Agreement with Mexico. If we had legislative standards for farm workers equal to those we have for industrial labor, most of the obstacles confronted in its negotiation and administration would vanish.

The inherent conflicts in this situation are quite apparent. If the Department of State negotiates with respect to the general interests of the Nation and of amicable international relations, it can scarcely be expected that the private interests of farm employers will, at the same time, be fully satisfied. Conversely, if the State Department, in these negotiations, were to represent farm employer interests exclusively, the general interests of the Nation and of amicable international relations might well be neglected or jeopardized.

In preparing for negotiations on the International Agreement, the State Department is handicapped by not being able to consult, in an orderly way, all interested groups. Farm employers are well organized and articulate. Farm workers, on the other hand, have virtually no organization and are not in a position to present their views. Nevertheless, worker organizations which do exist have clear views on the Mexican agreement. For example, the research director of the National Farm Labor Union testified at our Los Angeles hearing:

> Now we take this position * * * that in California every condition which represents a problem in the relation of the worker to his employer—I say every condition—which already existed in the form of a problem, is aggravated by the importation, the contracting or the use of these three types of labor (illegals, contract nationals, and legalized wetbacks).

In further testimony, this union representative spelled out his statement in detail with respect to wage levels, wage differentials based on race, and the right of workers to organize and to bargain collectively.

Because they lack the channels for doing so, the interests of domestic labor and of the American public are not brought before the State Department in an organized way. It is not strange that, under these circumstances, the State Department, when negotiating the International Agreement, is hardly in a position to give the same consideration to the interests of labor and of the general public as it gives to the interests of employers.

Another observation needs to be made on the negotiation of the Mexican International Agreement and the role of the State Department. As noted above, Mexico is the only country which requires an intergovernmental agreement; by coincidence, Mexico is the country which is ostensibly least interested in having its nationals do farm work in the United States. The greater concern of the British West Indies and of Puerto Rico to allow their people to enter into farm employment is reflected in the terms of their agreements, all of which are somewhat less costly to employers in one respect or another than is the Mexican agreement. All agreements depend on "prevailing wages" being paid, but they differ materially in minimum employment guarantees, in employers' obligation to pay transportation, and to provide medical care, and in the worker's potential obligation to finance his own deportation. One of the important cost items is transportation on which the differences are as follows: The Mexican agreement, as required by Mexican law, obligates the employer to pay all transportation both ways, including subsistence. The Bahamian and Jamaican contracts provide that transportation be paid one way; the Puerto Rican pays his own transportation.

Another complication in the negotiation of the Mexican agreement is the dual burden that has been placed on it. As we noted earlier, it has been used as a basis for admission of contract aliens and also for the contracting of aliens already illegally in the United States. This complication is considered next.

Postwar Mexican Farm Labor Program as a Mechanism for Legalizing Wetbacks

Wetbacks are Mexicans illegally in the United States. The request to contract wetbacks in the United States was made by the Government of Mexico. From the viewpoint of Mexico, this request had merit. With large numbers of its citizens already in the United States illegally, there was occasion to be critical of the request of the United States that additional Mexicans be recruited and imported under contract. Moreover, Mexican employers were reluctant to have still more of their labor supply taken away. Farm employers in the United States, too, favored legalizing wetbacks as an alternative to contracting in the interior of Mexico because they could thereby contract experienced workers and also save in transportation costs.

As described earlier, the first Mexican-United States agreement to legalize illegal aliens by putting them under contract was made in 1947. Under this agreement some 55,000 illegal aliens had their status made legal in 1947. The number imported directly from Mexico in 1947 was only 19,632, which, together with those remaining from previous years, gave a total (nonlegalized) contract employment of 31,000. Hence, the bulk of the Mexican farm-labor program in 1947 consisted of legalized wetbacks.

In 1948, no wetbacks were placed under contract but when contracting of workers from the interior did not function as expected, a large number of Mexican workers accumulated at the border. In October, several thousand breached the border patrol lines in the vicinity of El Paso and entered illegally. Instead of deporting the illegally entered Mexican workers immediately, they were, by unilateral action of the United States, "paroled" to farm employers who wanted their services. This was the so-called "October incident" or "El Paso incident" of 1948. Thereafter, Mexico abrogated the International Agreement that had become effective February 21, 1948. During the effective period of the 1948 agreement, 35,345 nationals were imported from the interior of Mexico.

The current agreement, dated August 1, 1949, acknowledges the illegal traffic and binds both Governments "to take all measures necessary to suppress radically the illegal traffic of Mexican workers." But this agreement itself provides for the contracting of wetbacks who entered the United States before August 1, 1949. Such illegal aliens were given preference of employment over workers from Mexico who had not violated the United States immigration laws. In 1949, 19,625 Mexican farm workers were contracted in interior Mexico; in the same year, 87,220 wetbacks were legalized.

For the 3 years, 1947–49, the Mexican farm-labor program in summary amounts to this: 74,600 Mexican nationals under contract were brought from the interior of Mexico; 142,200 wetbacks already in the United States were legalized by being put under contract. Legalization of wetbacks occurred again in 1950. Meanwhile, the accelerated wetback traffic continued unabated.

When the contracting of wetbacks was proposed by Mexico, the Immigration and Naturalization Service saw it as a threat to enforcement of the immigration law and opposed it. To be prevented from deporting a deportable alien is, in effect, to be prevented from enforcing the law. A technique more insidious than ingenious was devised and put in effect by the agencies of the United States Government having responsibility for law enforcement and procurement of labor. In this improvisation, the Immigration and Naturalization Service would be allowed to "deport" the wetback by having him brought to the border at which point the wetback would be given an identification slip. Momentarily, he would step across the boundary line. Having thus been subjected to the magic of token deportation, the illegal alien was now merely alien and was eligible to step back across the boundary to be legally contracted.

In fairness to Government officials participating in the practice of contracting wetbacks, it needs to be noted that some limits and qualifications were imposed. These were apparently expected to make the legalization program a substitute for, rather than an accelerator of, the wetback traffic. The limits apply to eligibility of the wetback to be contracted and also to the eligibility of the employer to contract Mexican aliens. In the hope that the possibility of being contracted would not encourage further wetback entries, the August 1949 agreement gave preference of employment only to those who had entered prior to the effective date of the agreement. Likewise, when the contracting of wetbacks was again agreed to on July 27, 1950, under an interpretation of the 1949 agreement, only the wetbacks entering prior to July 27, 1950, were eligible to be contracted. However, since wetbacks were contracted in 1947, 1949, and 1950, and were "paroled" to employers in 1948, it is doubtful if this sort of limitation, if ever effective, will be so any longer. If this process is continued, the wetbacks will almost certainly be encouraged to enter illegally in the hope of being legalized later on.

The limitation on employer eligibility to contract Mexican workers is contained in section 23 of the International Executive Agreement of August 1949:

> Permission to contract Workers under this Agreement shall not be granted to those Employers who continue to use Mexican workers who are illegally in the United States. Any authority granted for the employment of Workers under this Agreement shall be canceled in the case of any Employer who, after such authority is granted, engages Workers who are illegally in the United States.

We found little evidence of effort to enforce this provision. Certainly, neither this limitation nor the eligibility limitation on the wetback have made the contract procedure a substitute for the wetback traffic.

Number and Proportions of Foreign Contract Workers in Postwar Farm Employment

The foreign agricultural labor program, including the contracting of wetbacks, reached its maximum at over 100,000 in 1949. The ratio of foreign workers to total farm employment was about the same as at the peak of the war emergency program. Foreign workers under contract at the peak of 1949 were 2.6 percent of the total hired workers in the Nation and were $\frac{7}{10}$ of 1 percent of total agricultural employment, including farm operators and family members as well as those hired for wages.

Year	Mexicans[1]	British West Indians	Total foreign on contract	Foreign workers as a percentage of	
				All hired workers	All employment
1947	86, 331	9, 553	95, 884	2. 4	0. 6
1948	[2] 37, 331	6, 055	43, 386	1. 0	. 3
1949	100, 476	[3] 8, 176	108, 652	2. 6	. 7
1950	90, 005	[3] 4, 394	94, 399	2. 7	. 7

[1] Includes wetbacks contracted.

[2] Does not include wetbacks "paroled" to farm employers.

[3] Estimates.

Areas Served by Postwar Foreign Labor Program

As we reported above, the Mexican war emergency farm-labor program was concentrated in California and the Northwest. During postwar years, the concentration shifted to Texas, New Mexico, and Arkansas. In contrast, the areas of concentration of Bahamian and Jamaican labor were much the same in both the war emergency and the postwar phases.

Postwar, Bahamians have been contracted principally by the Florida Fruit and Vegetable Association and Jamaicans principally by the Florida Sugar Producers Association (actually the United States Sugar Corporation). Most of both groups work in Florida during the winter. Following the winter season, when work in Florida is slack, many of these workers are recontracted and others imported by vegetable growers and processors in the North Central States, principally in Wisconsin, Illinois, and Minnesota and in Connecticut.

The contrasting shift in the Mexican program is this: California which in 1945 received 63 percent of the Mexican workers had only 8 percent in 1949. The States of the Northwest, which with California, had 78 percent of the Mexican program in 1945, had no Mexican workers in 1949. Texas, which had no legally contracted Mexicans in wartime, had 46 percent of all Mexican nationals under contract in 1949. New Mexico and Arkansas, which had none of the Mexican workers in wartime, had 17 and 16 percent, respectively, in 1949. Together, Texas, New Mexico, and Arkansas had 79 percent of the 1949 Mexican labor program.

For convenience, and because it graphically summarizes what has been said above, the areas principally served by the war emergency and the postwar phases of the Mexican farm labor programs are summarized:

State	Percentage of contract Mexican workers in 1945	Percentage of contract Mexican workers in 1949
California	63	8
Washington	6 } 78	None
Idaho	5	None
Oregon	4	None
Texas	None	46
New Mexico	None	17 } 79
Arkansas	None	16

Two matters of considerable significance in this connection deserve attention:

(*a*) The areas served by the war emergency program were high-wage States which had been gaining population by in-migration during the preceding decade.

(*b*) The areas served by the postwar program are low-wage States that disgorged population during the decade of the thirties.

Has Importation of Foreign Labor Been Detrimental To Domestic Labor?

Under the rules and conditions issued by the Immigration and Naturalization Service and the Attorney General in exercising the discretion of the ninth proviso to section 3 of the Immigration Law of 1917, the United States Employment Service has had the responsibility, before certifying the need of foreign labor, of determining that sufficient domestic workers were not available. Further, in the Information Bulletin issued jointly by the Commissioner of Immigration and Naturalization and the Director of the United States Employment Service relative to the August 1, 1949, International Agreement with Mexico, the statement is specifically made that the ninth proviso authority will be invoked only when "the admission of such Mexican nationals will not result in displacement of American farm workers or otherwise detrimentally affect such labor in this country." The same conditions are also supposed to apply to importation of contract aliens from the British West Indies.

Has this safeguard to the welfare of domestic workers been observed? The testimony to the Commission by farm employers and farm workers was conflicting. Farm employers testified that foreign labor importation could not possibly have had a detrimental effect on domestic labor because domestic labor was said not to be available for the work required. Farm workers, on the other hand, testified that foreign labor had displaced domestic workers and had adversely affected wages.

It is difficult to determine the answer to these conflicting views. The sharp difference of view, as reported to this Commission, related principally to the areas in which Mexican labor was employed, both legally and illegally. As is apparent from the facts above related, the Mexicans are the largest group and the most concentrated geographically. California, in which the war emergency program centered, has cotton picking as one of its principal hand-labor employments. Texas, New Mexico, and Arkansas in which the postwar program has been centered have also cotton picking as the principal employment for Mexican contract workers. If the presence of contract workers is associated with or related to changes in wages, such relationship should logically show up in the principal employment of contract aliens which is common to the various areas of their concentration. Accordingly, we have compared changes in wage rates for cotton picking during the wartime and also during the postwar phases.

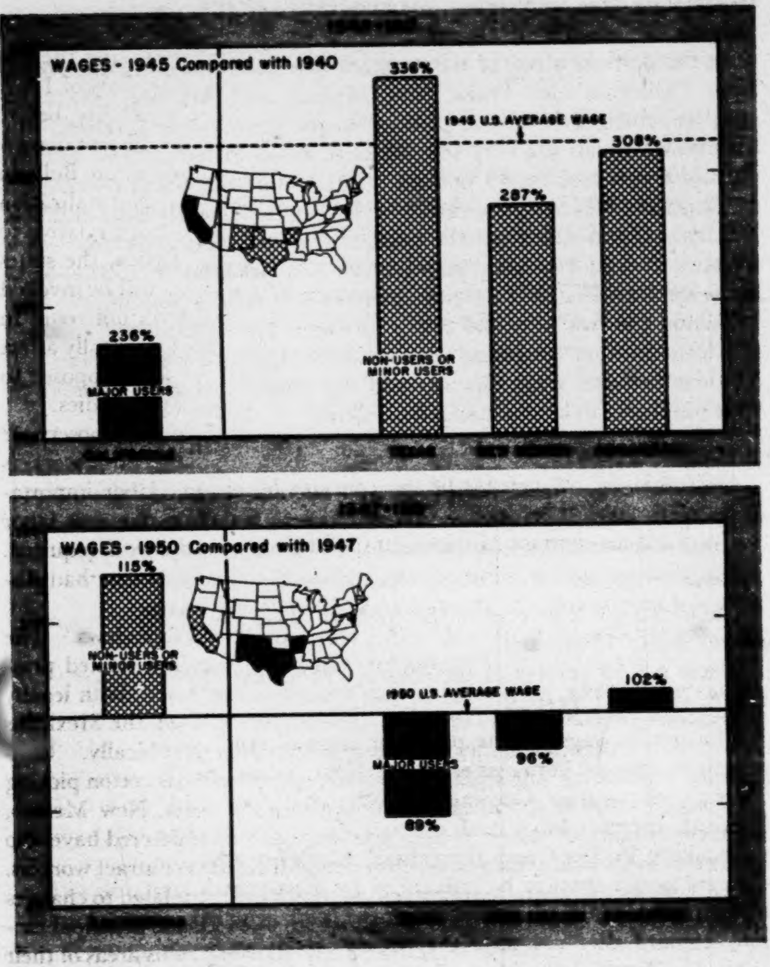
The comparisons are shown in chart VII. These are based on piece rates for picking cotton as compiled by the United States Department of Agriculture.

In California, which received the overwhelming majority of the Mexican nationals imported during the wartime program, the wage for cotton picking increased 136 percent from 1940 to 1945 as compared with a

CHANGES IN AVERAGE WAGES FOR COTTON PICKING

War and Post-War Employment of Mexican Contract Labor

Chart XII



Nation-wide average increase of 211 percent. Cotton picking wages in other States not participating significantly in the wartime Mexican importation rose in varying amounts between 166 percent and 236 percent.

In the postwar phase of the program when the concentration shifted from California into Texas, New Mexico, and Arkansas, the comparative changes in cotton-picking wages again were reversed. In California, which got very few Mexican nationals after 1947, cotton-picking wages rose by 15 percent; Nation-wide there was no change. In Texas and New Mexico, each of which got significantly large numbers of Mexican nationals from the postwar program, cotton-picking wages dropped 11 and 4 percent, respectively. In Arkansas the cotton-picking wage increased, but here the increase was only 2 percent.

Taking the two principal States in which the wartime and postwar Mexican contract programs were centered, California and Texas, the relations between wage changes and the presence of alien laborers in large numbers can be summarized as follows:

Wartime Program:

California got 63 percent of the contract Mexicans (1945); raised its cotton wages 136 percent.

Texas got no contract Mexicans; raised its cotton wages 236 percent.

Postwar Program:

California got 8 percent of the contract Mexicans (1949); raised its cotton wages 15 percent.

Texas got 46 percent of the contract Mexicans (1949); lowered its cotton wages 11 percent.

Changes in wages in the principal areas of employment and in the principal crop of employment have been inverse to the numbers of contract Mexicans. Obviously, from what was said earlier, legal Mexican contract labor and wetback labor are in close relationship, particularly in 1947 and thereafter. Consequently, the above wage changes would seem to be influenced by the wetback traffic as well as by contract labor. However, taking the influence of the wetback traffic into account does not alter the results of the wage comparison. In 1940–45, Texas undoubtedly had a somewhat greater proportion of wetbacks in its farm labor supply than did California. But the wetbacks notwithstanding, cotton-picking wages rose in Texas far more than in California. For the comparison of 1947 to 1950, the wetbacks and the contract workers were yet more closely interrelated in Texas because of the large amount of contracting of wetbacks there. The comparison amounts to this: Texas, with its large supply of wetback and contract labor, reduced its wages 11 percent; California, with little contract labor and a relatively smaller wetback saturation, raised its wages 15 percent.

The association between wage changes and foreign labor supply as here indicated is consistent with the national picture for all farm wages. Elsewhere, we are reporting that farm wages generally in dollar terms have stayed substantially constant in the past 4 years. In view of the fact that other wages and the cost of living have risen, this means that farm wages have declined in comparative terms and in purchasing power. D

When we find that there was little change in the Nation-wide average of farm wages, and as a glance at the chart will show, that wages by States were inversely related to the supply of alien labor, it would seem that foreign labor has detrimentally affected the wages of domestic labor.

It is our conclusion that the evidence demonstrates that the agencies of Government responsible for importing and contracting foreign labor have not been successful in protecting domestic farm labor from detrimental effects of imported contract alien labor. We find alien labor has depressed farm wages and, therefore, has been detrimental to domestic labor. 2D

The "Prevailing Wage"

All foreign labor agreements, and the Puerto Rican agreement as well, provide for the payment of a stipulated minimum wage or the "prevailing wage," whichever is higher. The stipulated minimum wage is a nominal rate which varies from one agreement to another, but, with some exceptions, ranges from 40 to 60 cents an hour. Ordinarily, the so-called prevailing rate is the effective rate. The "prevailing rate" is not officially set or determined by any Government agency.

We endeavored, without much success, to find out what the prevailing wage is and how it is determined. Neither Government agency people nor employers or workers could give much enlightenment.

As best we could determine, the "prevailing wage" in seasonal employment in agriculture is arrived at somewhat in this manner: Farm employers meet in advance of the season and decide on the wage they intend to pay. It is set at an amount they hope they won't have to exceed during the season. Whether the wage agreed upon is sufficient to attract the labor supply needed is apparently not usually considered an important factor in making the decision. 7

The president of the New Mexico Farm and Livestock Bureau candidly described the method of setting the "prevailing wage" as follows:

> The prevailing wage is really set by the farmers for the various types of jobs on the farm, and it will vary, depending upon the type of work the man does * * * We have a meeting at the beginning of the season; the farmers have a meeting and they determine, roughly, what they are going to pay. It doesn't mean that they will hold to it; it will vary, as a matter of fact.

This wage, as decided upon by farm employers, usually weeks in advance of the work period, is accepted by the public employment services as the going wage until the season opens and employment actually gets under way. If a labor shortage is certified and importation contracts are signed, the wage rate, thus decided in advance, is applied in the contract. If, as usually occurs, the "prevailing wage" is set too low to attract the desired number of workers, and has to be increased after the season opens, one would expect, under the language of the foreign agreements, that the revised higher wage would be paid. Nonetheless, from the evidence available to us, it appears that Mexican workers under contract are occasionally paid less than the wages at which domestic workers are employed.

We do not, however, wish to advance the interpretation that imported labor is commonly paid less within a given area than domestic labor. Rather it appears that the same wage rates generally are paid to both foreign and domestic workers. The point we do wish to emphasize is that the "prevailing wage," as currently in vogue in seasonal and migratory farm employment, is in some respects worse than meaningless. The recruitment of the labor supply prior to the opening of seasonal work obviously requires some sort of a wage quotation. When this wage quotation is set by agreement among farm employers alone and with little or no regard to whether it is a sufficient wage to attract workers, it cannot very well serve as the price to equate the supply of and demand for labor.

This is especially true when contract foreign workers are brought in at the arbitrary wage rate which then inevitably tends to set the pattern of wages in the locality. Consequently, it is useless to pretend that this "prevailing wage" has either the fairness or the precision of a wage developed by employers and workers meeting on an equal footing.

The concept of the "minimum prevailing wage" is sometimes used in nonagricultural employment. For example, it is contained in the Walsh-Healey Act covering public contract work. As used there, however, the term has a meaning entirely different. The first big difference is that, in nonfarm employment, the wage is usually bargained collectively and is not set by unilateral action of employers. The second difference is that it is a wage for actual employment—a wage which attracts the labor supply needed, whereas for farm employment the word "prevailing" is misused to apply to a situation where the work has not yet commenced; hence, there is no way of knowing in the latter instance if it is a sufficient wage. Third, in nonfarm employment there is an official and formal determination of the amount of the minimum prevailing wage for the job in question; in agriculture there is no such official determination.

In the normal competitive market, prices, including the price of labor, are determined by the forces of supply and demand. Accordingly, if there is a labor shortage, the price of labor should rise. Yet the opposite of this actually has occurred with wages of migratory farm workers. During the past 4 years of alleged "labor shortage" in agriculture, as we report in chapter 7, farm wages in real and comparative terms have declined. A labor shortage with falling wages is difficult to understand.

The wage practice in agriculture and the demand for alien labor are directly associated. Alien labor importation cannot be divorced from the practice of fixing an arbitrary wage which does not attract a sufficient number of workers. The wage at which we declare a farm labor shortage to exist is the result of a one-sided wage bargain made by associations of farm employers.

Certification of Need for Foreign Labor

As we said earlier, foreign workers cannot be imported and the movement of Puerto Ricans to the mainland is not approved unless the United States Employment Service has certified that a domestic labor shortage exists. Notwithstanding that certificates of shortage have been issued in great numbers, there is no method of knowing with reasonable exactness whether a shortage of domestic labor would exist if some other wage rate were offered. One of the difficulties in knowing whether a labor shortage does exist or may come to exist is the effect of the present practice for determining the "prevailing wage." The rate agreed to in advance is typically lower than the rate actually paid when the season is under way. At the low rate initially offered, it is quite conceivable that insufficient domestic labor is attracted; therefore, a "labor shortage" can be said to exist—at that price.

There is another dilemma in the process of certifying a domestic labor shortage. Domestic workers are not offered the minimum employment guarantee or workman's compensation insurance and other benefits that foreign workers and Puerto Ricans secure under their contracts. This question must therefore be raised: How is it possible to know if a labor shortage exists until domestic workers have been offered at least those standards and conditions that have to be offered in order to get foreign labor or Puerto Ricans?

Finally, there is the question of whether we do what needs to be done to make effective use of our domestic labor supply. In the previous chapter, we reported that since 1945 more hired workers are being employed to do continuously less work. We have also discussed the many imperfections in the employment structure of American agriculture which result in poor use of our labor resources. Notwithstanding these imperfections and obstacles to effective use of labor, we are convinced that, by better recruitment and placement of domestic labor, we would have eliminated most if not all of the occasion for the certifications of labor shortage during the years 1947 to 1950.

On paper the employment service structure—Federal and State—has an elaborate set of procedures which are supposed to guarantee that need for foreign workers will not be certified until the domestic labor supply is fully used. Nevertheless, the Commission received evidence that in 1950 domestic workers had been removed from employment—principally cotton picking—in order to accommodate contract Mexican aliens. The background of most such displacements appears to be this: Farm employers, having convinced themselves and the Employment Service in advance of the harvest season of an impending labor shortage, ordered foreign labor. In the early stages of the crop harvest and prior to the arrival of the contract nationals, local workers (of whom more than expected were available) were put to work. On arrival of the Mexicans, and contrary to the regulations governing employment of foreign workers, the already employed domestic workers were displaced so that the Mexican nationals could have the work they had been contracted to do.

In large part, this sort of disorder will be reduced if not eliminated by separating the employment service function for domestic workers from the administrative responsibilities for contracting and importing foreign labor. When the agency which certifies a labor shortage also is the agency which fills that shortage by importation, it is much too easy to offset an ineffective recruiting and placement job at home by importing more workers from abroad. This is a structural handicap under which the Employment Service has been operating.

The authors of the Wagner-Peyser Act of 1933, which is the authority for Federal participation in the public employment service system, foresaw that the service might be subject to pressure and might have difficulty in maintaining impartiality in its actions and programs. Accordingly, the act contained the following provision (sec. 11 (a)):

> The Secretary (of Labor) shall establish a Federal Advisory Council composed of men and women representing employers and employees in equal numbers and the public for the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems * * *. The Secretary shall also require the organization of similar State advisory councils composed of men and women representing employers and employees in equal numbers and the public.

As required by the statute, the Federal Council is a functioning entity. It currently consists of 15 representatives of the general public and 9 each of employers and employees. It meets several times a year.

Following the transfer in 1948 of the farm placement program from the Department of Agriculture, where it was put during World War II, to the United States Employment Service, an advisory group, to which we referred in the preceding chapter, called the "Special Farm Labor Committee," was appointed. This committee advises the Farm Placement Service of the United States Employment Service on matters pertaining to farm labor recruitment and placement. The committee is composed exclusively of farm employers or their representatives. The membership, one from each State, is primarily from those farm interests which hire migratory labor. To give its advice to the Farm Placement Service on their programs and on prospective legislation, this Special Farm Labor Committee is requested to convene, in Washington, D. C., twice or three times each year, the transportation and expenses of the members being paid from public funds. In its meetings, this committee concerns itself with policies affecting the recruitment, placement, and employment of all types of hired farm labor, but also, it concerns itself to a great extent with foreign labor—the need for foreign workers, and the terms and conditions under which they might be procured.

A year ago, this "Special Farm Labor Committee" and the statutory Federal Advisory Council differed in their views as to the necessity for importation of foreign labor for the 1950 season. The position of the Federal Advisory Council was expressed in the following resolution passed at its December meeting in 1949:

> *Resolved,* That the United States Employment Service advise all agencies of the Government that there are sufficient numbers of American citizens available for farm work to meet any anticipated requirements for manpower on the Nation's farms during the coming year, and there is no longer any need for importation of foreign labor.
>
> We therefore recommend that no international agreements be negotiated or any other arrangements be made during the coming year for recruitment of foreign workers and further, that the United States Employment Service withdraw all pending certifications of need for foreign agricultural workers and order the return to their native homes of all foreign agricultural workers now employed in the United States, upon completion of their present contracts.

The Special Farm Labor Committee met 1 month later in January 1950 and adopted the following resolution:

> Whereas, the extent to which qualified farm workers will be available from domestic sources during the year 1950 for the planting, cultivation, and harvesting of field crops is dependent upon many unforeseeable and uncontrollable factors; and
>
> Whereas, the assumptions contained in said resolution of December 16, that adequate qualified farm labor will be available to meet all needs in all areas at the time when such labor is needed was not then and cannot now be supported by any facts or data to substantiate such assumptions;
>
> Now, therefore, be it resolved, that this Special Farm Labor Advisory Committee, meeting in Washington, D. C., on January 17 and 18, 1950, urges the United States Employment Service that, to the extent that it is necessary to assure that qualified farm workers will be available to meet farm labor requirements in this country during the year 1950, it shall continue arrangements for supplementing the domestic farm labor force;
>
> And be it further resolved, that the United States Employment Service is commended for its appreciation and understanding of the farm labor problems and the measure of success it has achieved in meeting these problems.

Inasmuch as we had a foreign labor program of considerable proportions during 1950, it is evident that the advice of the nonstatutory Special Farm Labor Committee made up of employer representatives alone, was followed rather than the recommendation of the tri-partite statutory council.

Is Importation of Foreign Farm Laborers Consistent With National Immigration Policy?

Congress has enacted a body of laws defining this Nation's policy toward admission of foreigners. It began by excluding Chinese "coolie" laborers in 1882. Since that time, Congress has spelled out the national interest by declaring a policy that American living and working standards, particularly of wage earners, are not to be undermined by foreign labor competition. Congress has taken various measures to make this policy effective, including prohibition of contracting laborers abroad to work in the United States and severe restriction on the number of immigrants to be admitted.

The farm labor importation program that began in World War II provided for temporary admissions only, for official certifications to limit the number admitted, for governmental negotiation of contracts and for official supervision of the terms of the contracts. On the surface, these met the requirements of national immigration policy, provided they were effectively enforced, and assuming that there was justification for admitting foreign laborers at all. If contracting of foreign labor was permitted, at least it was to be contracting by government, not by private employers or their agents as forbidden by the Contract Labor Law.

But official vigilance for the protection of living and working standards of alien farm laborers was largely abandoned in the postwar phase. Responsible United States administrative agencies practically ceased to exert effective effort to preserve the requirements of national immigration policy. The same ineffectiveness or laxity that undermined protective standards in the contract spread also to the official scrutiny of the number of foreign laborers that employers claimed they needed. Thus, temporary foreign laborers passing in and out of this country with little restriction have come to substitute for a supply subject to stringent numerical restrictions, thereby furnishing the very competition to American labor that it is the purpose of the immigration law to prevent.

This undermining of national policy stands out more clearly in that it has been the negotiators for foreign governments, notably of Mexico, rather than our own representatives, who have secured reasonable limitation of numbers and some protection to labor standards. While their motive is primarily to protect the standards of their own nationals working in the United States, the effect of their concern, fortunately, is also to help sustain the tenets of American policy. The contrast in this curious difference of attitudes is heightened by the fact that through the negotiations of their governments, foreign laborers have actually achieved, in most instances, better living and working conditions than domestic workers whose protection is a main concern of American immigration law.

Step by step, during the last decade, there has been a constant eroding of immigration law. These are the principal stages in the erosion:

(*a*) Public Law 45 enacted on April 29, 1943 provided:

> No part of the funds * * * shall be used directly or indirectly to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective bargaining requirements or union membership, with respect to agricultural labor, except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such country.

Under this statute, we could enforce standards required by foreign governments for their workers but we could not establish or enforce standards for our own.

(*b*) During the wartime program the United States Government was the labor contractor and operated within the confines of negotiated government-to-government agreements. Following the war, we abandoned these protections in two ways: For the Mexicans, who still insisted on a government-to-government agreement covering the general terms of contracting and importation, we virtually abandoned effective scrutiny and enforcement of the Individual Work Contracts to which private employers and individual Mexican aliens were the parties. For the Jamaicans and Bahamians, whose governments did not insist on intergovernmental agreements after those of World War II terminated, we have given no official scrutiny to the terms of the work contracts or to their enforcement. In these instances, our authorities have permitted the entry of contract alien labor on whatever terms these foreign governments were able to secure in negotiation with private employers of the United States.

(*c*) The latest and probably worst stage in this erosion of immigration law was when, under the authority of the ninth proviso, Mexican wetbacks were legalized and placed under contract. The ninth proviso allows the temporary admission and return of otherwise inadmissible aliens—under rules and conditions. In the contracting of Bahamians and Jamaicans without government supervision of terms, we have seen, for all practical purposes, the abandonment of rules and conditions. In the contracting of wetbacks, we see the abandonment of the concept that the ninth proviso authority is limited to *admission*. A wetback is not admitted; he is already here, unlawfully. We have thus reached a point where we place a premium upon violation of the immigration law.

RECOMMENDATIONS

We recommend that:

(1) Foreign labor importation and contracting be under the terms of intergovernmental agreements which clearly state the conditions and standards of employment under which the foreign workers are to be employed. These should be substantially the same for all countries. No employer, employer's representative or association of employers, or labor contractor should be permitted to contract directly with foreign workers for employment in the United States. This is not intended to preclude employer participation in the selection of qualified workers when all other requirements of legal importation are fulfilled.

(2) The United States-Mexican intergovernmental agreement be in terms that will promote immigration law enforcement. The Department of State should negotiate with the Government of Mexico such a workable international agreement as will assure its operation as the exclusive channel for the importation of Mexican nationals under contract, free from the competition of illegal migration.

(3) Administration of foreign labor recruiting, contracting, transporting, and agreements be made the direct responsibility of the Immigration and Naturalization Service. This should be the principal contracting agency, and private employers should secure their foreign workers exclusively from the Immigration and Naturalization Service.

(4) The Farm Placement Service of the United States Employment Service certify to the Immigration and Naturalization Service and to the Federal Committee on Migratory Farm Labor when and if labor requirements cannot be filled from domestic sources and the numbers of additional workers needed. On alien contract labor, the United States Employment Service and the various State employment services should be advised by the tripartite advisory council provided for in the Wagner-Peyser Act, or by tripartite subcommittees of the council. However, no certification of shortage of domestic labor should be made unless and until continental domestic labor has been offered the same terms and conditions of employment as are offered to foreign workers. After certifying the need for foreign workers, the United States Employment Sevice should have no administrative responsibilities in connection with any foreign labor program.

(5) In accordance with the policies of the Federal Committee on Migratory Farm Labor, the Immigration and Naturalization Service arrange, subject to the terms of the intergovernmental agreements then in force, for the importation of the number of qualified foreign agricultural workers certified as needed by the United States Employment Service, and transport them to appropriate reception and contracting centers in the United States.

(6) The Immigration and Naturalization Service deliver the imported

workers to the farm employers who have submitted the necessary applications and bonds, and who have signed individual work agreements. Employment should be under the general supervision of the Immigration and Naturalization Service. An adequate procedure for investigating and resolving complaints and disputes originating from either party should be negotiated in the international agreements and should be incorporated in the standard work contracts. The Immigration and Naturalization Service should be authorized to terminate any contract of employment and remove the workers, and to refuse to furnish foreign workers to any employer or association of employers when there has been repeated or willful violation of previous agreements, or where there is reasonable doubt that the terms of the current agreement are being observed. The Immigration and Naturalization Service should, in the discharge of its obligations, receive such assistance from the United States Employment Service as it may request.

(7) Puerto Rico and Hawaii, as possessions of the United States, be recognized as part of the domestic labor supply, and workers from these territories be accorded preference over foreign labor in such employment as they are willing and suited to fill.

(8) Where a government-to-government agreement provides for the payment of the prevailing wage to foreign contract workers, this wage be ascertained by public authority after a hearing. The policies, procedures, and responsibilities involved should be determined by the Federal Committee on Migratory Farm Labor. +

Chapter 4

The Wetback Invasion—Illegal Alien Labor in American Agriculture

We were directed to investigate:

> * * * the extent of illegal migration of foreign workers into the United States and the problems created thereby, and whether, and in what respect, current law enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to eliminate such illegal migration.

In recent years, literally hundreds of thousands of Mexican agricultural workers, known as wetbacks, have illegally entered the United States in search of employment. The wetback is a Mexican national who, figuratively, if not literally, wades or swims the Rio Grande. Whether he enters by wading or swimming, crawls through a hole in a fence, or just walks over a momentarily unguarded section of the long land border, he is a wetback. Since he enters by evading the immigration officers, he is, in any event, an illegally entered alien. The term wetback is widely accepted and is used without derision; hence for convenience it is used here.

Before 1944 the illegal traffic on the Mexican border, though always going on, was never overwhelming in numbers. Apprehensions by immigration officials leading to deportations or voluntary departures before 1944 were fairly stable and under 10 thousand per year. Although the exact size of the wetback traffic is virtually impossible to determine, the number of apprehensions by immigration officers is a general indicator but far from a precise means of measurement. The same individual may be apprehended several times during the season and therefore would be duplicated in the apprehension count. On the other hand, large numbers enter and leave without being apprehended and hence would not be in the deportation or departure figures at all.

The magnitude of the wetback traffic has reached entirely new levels in the past 7 years. The number of deportations and voluntary departures has continuously mounted each year, from 29 thousand in 1944 to 565 thousand in 1950 (see chart VIII). In its newly achieved proportions, it is virtually an invasion. It is estimated that at least 400 thousand of our migratory farm labor force of 1 million in 1949 were wetbacks.

The wetback traffic formerly was limited primarily to the areas near the border. Recently, it has spread, though with diminishing intensity at greater distances from the border, to virtually all States of the Union. Before 1944 employment of wetbacks was largely at hand labor in agriculture; now they are infiltrating a wide range of nonfarm jobs and occupations.

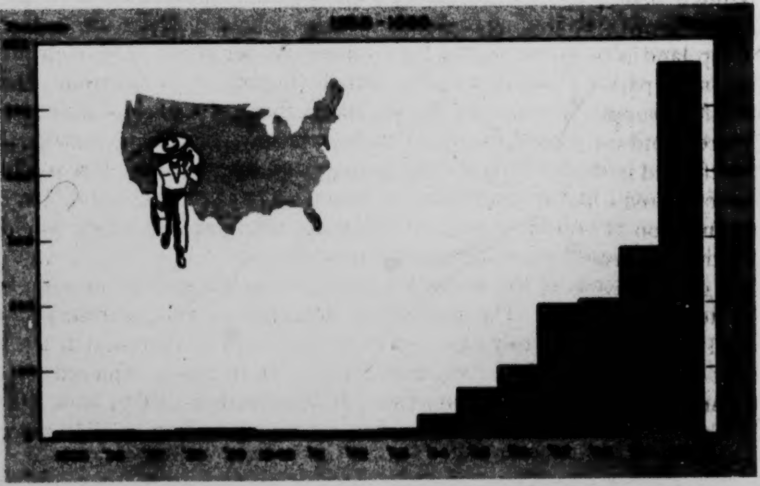
Mexican nationals employed under contract are not permitted to bring their families with them. Wetbacks, on the other hand, often bring or acquire families. Many social complications are intensified by the presence of families. It must be noted, moreover, that a child born in the United States, though of Mexican illegal alien parents, is a citizen of the United States. The parents of such a child, if apprehended by immigration authorities, may file a petition for stay of deportation on the grounds of hardship.

A comparison of more than incidental interest is the volume of the wetback traffic as contrasted to our admissions of displaced persons from Europe. In 1949, when we admitted 119,600 displaced Europeans, our apprehended wetback traffic was almost 300,000; in 1950, when we admitted 85,600 displaced Europeans, our known wetback traffic was between 500 and 600 thousand.

The newly developed magnitudes of wetback traffic have brought their inevitable consequences. Foremost among these consequences is the severe and adverse pressure on wages in the areas nearest the border. A second consequence of the wetback is competition for employment and displacement of American workers. This is particularly aggravated

DEPORTATIONS AND VOLUNTARY DEPARTURES
OF ILLEGAL MEXICAN ALIENS

Chart XIII



in the Lower Rio Grande Valley. Furthermore, there are other developments which, although not directly and entirely consequences of the wetback influx, are nevertheless inevitably associated with it. These include the astoundingly high disease and death rates in the counties lying next to the border.

To understand the wetback traffic, it is essential to know something of its foundations and the forces that produce it. Essentially, its foundations lie in a combination of factors that "push" the Mexican national northward within his own country and "pull" him across the border in violation of immigration law.

The "Push" Forces in Mexico and Their Relations to the Wetback Traffic

Of first importance among the "push" forces in Mexico is population pressure in relation to resource development. Mexico, not yet with the economy to provide its citizens with a standard of living approaching that of the United States, is experiencing a very rapid population increase. Population grew from 16.5 million in 1930 to 19.6 million in 1940, and to 25.5 million in 1950, making a population increase in the past decade of 30 percent.

Both birth and death rates are high in Mexico. Compared with the United States birth rate of 25.3 per thousand of population, the Mexican birth rate is 45.4 (both rates as of 1949). The death rate of Mexico is 17.9 per thousand population compared with the United States death rate of 9.7 (1949). The birth rate in Mexico is declining but the death rate is falling faster, which means that net survivals are increasing.

The excess of births over deaths in Mexico, as compared with the United States, means that it has a large potential for internal population growth. The economy of Mexico is still largely agricultural. Crop land is severely restricted in amount and production methods for the most part are primitive. As a result, the pressure of population on the food supply and the developed income-yielding resources of Mexico is great and is becoming more intense. The differential in income level is reflected in the 1949 per capita income in the United States of $1,453 as compared with $114 in Mexico.

Inflation is next in importance to population pressure as a factor motivating search for employment in the United States. Since 1939, the cost of living in Mexico has risen much more than in the United States. By June 1950, the cost of living index in Mexico City based on 1939 was 354; comparatively, in the same period, the United States cost of living index was 171, or less than half as much. Inflation has meant that Mexican wages, already extremely poor, have become worse.

Farm wages in areas of Mexico near the border, in December 1947, were, in United States dollars, $1.10 a day. Through continued inflation, the wage in October 1949 was only 69 cents per day in United States money. In the interior of Mexico, the farm wage in October 1949 was the equivalent of only 38 cents per day in United States money.

Population is much less dense in the north of Mexico and wages are higher than in central and southern Mexico. As population continues its rapid increase, northward expansion is the only direction feasible in either geographic or economic terms. Moreover, the Mexican side of the Rio Grande Valley recently has undergone very marked economic expansion. For example, cotton production in the Matamoros area (Lower Rio Grande Valley) is reported to have increased from 46,000 bales in 1939 to over 300,000 bales in 1949. It is further expected that within the next 2 or 3 years irrigated acreage in the Matamoros district will more than double.

Farmers in these northern areas of Mexico require seasonal labor for the cotton harvest just as do the farmers on our side of the Rio Grande. There is, accordingly, an internal northward migration for this employment. Mexican farm employers in need of seasonal labor encourage northward migratory movements within Mexico.

This rapid economic development in the areas immediately south of the border has accelerated the wetback traffic in several ways. An official in Matamoros estimates that 25,000 transient cotton pickers were needed in the 1950 season whereas the number coming from interior Mexico was estimated at 60,000. It is to be expected that many Mexican workers coming north with the anticipation of working in northern Mexico do not find employment there and ultimately spill over the border and become wetbacks. Additionally, the resident labor force at the border is expanding by leaps and bounds.

What has been happening generally in the areas of Mexico immediately south of the border is reflected by the phenomenal increase in population in the principal Mexican border towns and cities. This increase is shown in the following table:

	1950	1940	Percentage increase 1940 to 1950
			Percent
Mexicali	63, 830	18, 775	240
Tijuana	59, 117	16, 486	259
C. Juarez	121, 903	48, 881	149
Nogales	24, 692	13, 966	78
Nuevo Laredo	57, 488	28, 872	99
Matamoros	43, 830	15, 699	179

Thus, large reservoirs of potential wetbacks are accumulating at the border. It is difficult for the farm employer in the north of Mexico to get the labor supply he needs without contributing to the wetback traffic. Active seasonal employment in the Mexican areas near the border is about the same as in areas of the United States above the border. Consequently, laborers brought north to work for Mexican farmers discover that work is available at better wages on the other side of the border and they slip over.

This involves an ever-widening and self-accelerating cycle. Mexican farm employers close to the border have to recruit more workers than they need because it can be expected that many of their recruits will be lost to the wetback traffic. By recruiting on this basis, they aggravate the wetback traffic because they get too many workers.

The "Pull" Forces in the United States and Their Relation to the Wetback Traffic

Complementing the northward "push" forces within Mexico has been the expansion in unskilled hand labor requirements in the United States' Southwest. Much new land has been cleared and brought under cultivation in recent years and, at the same time, irrigation has expanded. In the Lower Rio Grande Valley, there were less than 250,000 acres of cotton in 1945, but cotton acreage had expanded to over 600,000 in 1949. Through the expansion of cotton acreage and also greater specialization in fruit and vegetable production, seasonal labor requirements have become more intensive and concentrated in shorter periods of time. Farm employers of the Southwest have encountered difficulty in meeting their short-term seasonal labor requirements from the domestic labor force on the terms offered.

Perhaps of greater importance than expansion in employment opportunities is the increasing attitude of many farm employers near the border that they are entitled to Mexican workers. Although farm employers testified they preferred legal to illegal labor, their position comes to this: If Mexican labor cannot be obtained legally on terms satisfactory to the employers, they will obtain Mexican labor illegally. The manager of the Agricultural Producers Labor Committee said as much in his testimony at Los Angeles:

> If Government red tape and the inability of the two Governments involved prevent us from putting under contract the help we need during the peak harvest seasons, we will use wetbacks, because we are going to harvest our crops. We have wetbacks in our employ today. In fact, one of our association's representatives is in El Centro and Calexico today legalizing wetbacks.

Farm employers near the border repeatedly testified thay had used Mexican labor for years and hence implied they had a peculiar right to get Mexican workers. One of the members of this Commission asked this question of a Texas farm employer spokesman who had submitted a statement which was said to have the approval of several farm organizations:

> I would be interested in learning whether the farm organizations which have approved your statement are recommending this policy of easy entry of Mexican workers so as to provide plentiful and inexpensive labor for farmers throughout the United States, or is there a desire that these Mexican Nationals be encouraged to avoid going more than a few hundred miles from the Mexican border?

The reply to the question was this:

> * * * it is reasonable to assume that the farmers along the border would not object if the movement of Mexican Nationals were limited to a few hundred miles from the border, but I expect that those outside such areas would object. Some special requirements might have to be made for those going beyond strictly border States. I really don't know enough about the need in Northern States to discuss it at this time, but it seems to me that something could be worked out. I think that perhaps the border States need special consideration in this matter because their agricultural economy was largely developed by Mexican labor—a policy that was partly illegal, but yet condoned by our Government officials for many years.

Not to be neglected in considering the "pull" forces of the United States is the encouragement to the wetback traffic that is inherent in the legalization of wetbacks under the Mexican-United States International Agreement. This was described in the previous chapter. As we noted, Mexico has opposed recruitment of contract workers from the interior of the country when large numbers of its nationals were already illegally in the United States. To meet this position on the part of the Mexican Government, we agreed to legalize wetbacks in 1947, 1949, and 1950. In fact, legalization of wetbacks has constituted the bulk of contracting activities since 1947.

For infraction of our immigration laws, some wetbacks have been prosecuted in the courts and sent to prison, but most of those who were apprehended were simply allowed to make a voluntary departure. Others, of no different offense and no less guilt, in numbers sufficient to meet all, or the majority of, legal recruiting needs have been given contracts after a token deportation to Mexico in lieu of a conventional deportation or voluntary departure. Such wetbacks were given identification slips in the United States by the Immigration and Naturalization Service which entitled them, within a few minutes, to step back across the border and become contract workers. There was no way to obtain the indispensable slip of paper except to be found illegally in the United States. Thus violators of law were rewarded by receiving legal contracts while the same opportunities were denied law-abiding citizens of Mexico. The United States, having engaged in a program giving preference in contracting to those who had broken the law, has encouraged violation of the immigration laws. Our Government thus has become a contributor to the growth of an illegal traffic which it has responsibility to prevent.

Pressures and Deals Not To Enforce the Law

We find that there have been times when pressure has been successfully exerted upon Washington to have the Immigration and Naturalization Service issue orders to field officers to go easy on deportations until crops have been harvested. The district director at El Paso testified as follows:

> * * * Over the years, from the time I came on the job as district director in March 1926, nearly every year at cotton-chopping or cotton-picking time, the farmers would send a complaint to the Secretary of Labor—we were in the Labor Department at that time—or to the Commissioner of Immigration, I am certain for no other purpose than to cause an investigation that would result in one of two things: Either I get word from some higher official to go easy until cotton-chopping time was over, or cotton-picking time was over; or the men who were doing the work would be so upset by the investigation that they would go easy on their own.
>
> Now, in 1937, one of those complaints went to Washington, and Commissioner Houghteling sent it to me and said, "I want you to personally investigate this and make a report to me." I did make the investigation and I submitted the report. * * * The Commissioner's answer to the complainants, * * * was in substance this: "I find that our officers are doing their duty and I hope they will continue to do their duty." That was the first time since I went on the job in 1926, that we had ever had any definite statement from any high-ranking official that they were going to stand behind us in our work of keeping "wetbacks" off of the farms, and from that time until about a year after we got in the war, we bored into them more and more, and kept it just as clean as we possibly could. And it was, at that time, a small percentage.

Another Immigration and Naturalization officer explained the source of this pressure upon Washington in these terms:

> This pressure group is truck farmers and ranchers all over the country that have plenty of money, they are able to make a trip to Washington and to apply that pressure. The man that wants to apply it (immigration law) is the little man. He is the man who gets out there and does the work. He is the one that the wetbacks are taking the job away from. He doesn't have money to go to Washington. He can write a letter to his Representative or Congressman. On the other hand, your farmer or rancher goes up there, and he can call him by his first name. So I think that is the reason that the pressure group, even though it is a minority group, is so effective.

Not only did we receive testimony that the Immigration and Naturalization Service was susceptible to political pressure such as the foregoing excerpts indicate, we found instances of deals between Government agencies. The 1949 Idaho State Employment Service Report reads:

> The United States Immigration and Naturalization Service recognizes the need for farm workers in Idaho, and, through cooperation with the State employment service, withholds its search and deportation until such times as there is not a shortage of farm workers.

The immigration officer for the Northwest district explained at our Portland hearing:

> I might state that in 1949 representatives of the Federal Employment Service asked us not to send our inspectors into the field to apprehend "wet" Mexicans, for the purpose of deporting them, until after the emergency of harvesting the crops had been met. In that particular instance, we did not send the officers into the field as early as we would have otherwise.

In Washington, D. C., in October 1950, we questioned the Assistant Commissioner of the Immigration and Naturalization Service on enforcement of the immigration law on the Mexican border. Without denying that instructions not to enforce the law had gone out in earlier years, he replied as follows:

> I may say that the pressure here is considerable. I think I can answer your question very briefly by saying, during the past year, there has been no instruction issued to our field offices to refrain in any way from enforcing the law.

Thirty years ago, nonfarm employers disliked the immigration law and wanted it changed. Congress and the Immigration Service both withstood that pressure. The Commissioner of Immigration of that day stated his position to be: "The immigration laws, as they now stand, seem to me to express the thought of the country at large in favor of a high-wage scale, as being an accompaniment, I may say almost a requisite, to better citizenship."

Mechanics of the Wetback Traffic

The hub of the wetback traffic is in the plazas of the Mexican towns and cities immediately below the border. Here, or in sections around the railroad which serve the same purpose, the wetback seeks information about jobs in the United States and how to get them. It is here that he encounters the first of many exploiters he will come to know well before he is once again in his homeland. The principal topic of conversation in the plazas of the Mexican border towns for several months of the year is how to get into the United States and what crops and jobs promise employment once there. His urgent need of food and money makes him an easy mark for the smuggler, the labor contractor, or the agent of the farm employer. He is eager when any of these approach him and whisper that there is a way to get out of the vast mob, all looking for a job and a chance to get into the United States where jobs seem plentiful and wages seem high.

Although smuggling of wetbacks is widespread, the majority of wetbacks apparently enter alone or in small groups without a smuggler's assistance. In a group moving without the aid of a smuggler there usually is one who has made the trip before and who is willing to show the way. Not infrequently the same individual knows the farm to which the group intends to go and sometimes he has made advance arrangements with the farm employer to return at an appointed date with his group. Such wetbacks stream into the United States by the thousands through the deserts near El Paso and Calexico or across the Rio Grande between Rio Grande City and Brownsville. When employment on the farms adjacent to the border is filled, the wetbacks push northward into new areas following rumor or promise of employment.

Often the wetbacks entering alone or in small groups have written to farm employers or friends in the United States and have made arrangements to be met at some cross road, gate, or other well-known place within a night's walk of the border. Some make two or three separate entries within a season, after having been apprehended, and head for the place where they were formerly employed.

If the wetback makes a deal to be guided or escorted across the Rio Grande or some section of the land border, everything he is able to pay is usually extracted in return for the service which may be no more than being guided around the fence or being given a boat ride across the Rio Grande. Wetbacks who are without funds to pay the smuggler for bringing them in or to pay the trucker-contractor who furnishes transportation and direction from the boundary to the farm are frequently "sold" from one exploiter to the next. For example, the smuggler will offer to bring a specified number of wetbacks across the river for such an amount as $10 or $15 per man. The smuggler or boatman with his party in tow will be met by the trucker-contractor who will then "buy" the wetback party by paying off the smuggler. This trucker-contractor, in turn, will have a deal to deliver workers to farm employers at an agreed-upon price per head.

There are other well-known and well-established practices to facilitate and encourage the entrance of wetbacks. They range from spreading news of employment in the plazas and over the radio to the withholding from wages of what is called a "deposit" which is intended to urge, if not guarantee, the return to the same farm as quickly as possible of a wetback employee who may be apprehended and taken back to Mexico.

The term "deposit" requires some explanation. Members of this Commission personally interviewed wetback workers apprehended by immigration officers in the Lower Rio Grande Valley. These workers had been paid for the cotton they had picked during the preceding 2 or

3 weeks. However, their employers had withheld $10 to $15 from their pay. Such sums, we discovered, are known as "deposits." To redeem this deposit, the wetback was required to reenter illegally and to reappear on the farm employer's premises within 10 days.

Once on the United States side of the border and on the farm, numerous devices are employed to keep the wetback on the job. Basic to all these devices is the fact that the wetback is a person of legal disability who is under jeopardy of immediate deportation if caught. He is told that if he leaves the farm, he will be reported to the Immigration Service or that, equally unfortunate to him, the Immigration Service will surely find him if he ventures into town or out onto the roads. To assure that he will stay until his services are no longer needed, his pay, or some portion thereof, frequently is held back. Sometimes, he is deliberately kept indebted to the farmer's store or commissary until the end of the season, at which time he may be given enough to buy shoes or clothing and encouraged to return the following season.

When the work is done, neither the farmer nor the community wants the wetback around. The number of apprehensions and deportations tends to rise very rapidly at the close of a seasonal work period. This can be interpreted not alone to mean that the immigration officer suddenly goes about his work with renewed zeal and vigor, but rather that at this time of the year "cooperation" in law enforcement by farm employers and townspeople rapidly undergoes considerable improvement.

Consequences of the Wetback Traffic: Wages

The wetback is a hungry human being. His need of food and clothing is immediate and pressing. He is a fugitive and it is as a fugitive that he lives. Under the constant threat of apprehension and deportation, he cannot protest or appeal no matter how unjustly he is treated. Law operates against him but not for him. Those who capitalize on the legal disability of the wetbacks are numerous and their devices are many and various.

Wage rates reflect graphically and dramatically the impact and consequences of the wetback traffic. In 1947, when daily wages for chopping cotton (thinning the rows of cotton plants) in the Lower Rio Grande Valley were $2.25 (10 hours), wages were continuously higher at points northward from the border: in the Sandy Lands of Texas, $3; in the Corpus Christi and Coast Prairie Areas, $4; in the Rolling Plains, $5; in the High Plains, $5.25.

When the Commission held hearings in Texas in August 1950, wage rates for picking short staple cotton in the Lower Rio Grande Valley were reported as low as 50 cents per hundredweight and as high as $1.75 per hundredweight. From the evidence presented, we conclude that the bulk of the cotton in this area was picked in 1950 for approximately $1.25 per hundredweight. Comparative wage rates for picking cotton elsewhere in Texas were not obtained in the hearings because no other area had yet commenced its cotton harvest. However, the State-wide average 1950 rate for Texas is now reported officially by the United States Department of Agriculture to have been $2.45 per hundredweight. Thus, the Lower Rio Grande Valley cotton growers got their cotton picked for approximately one-half the wages paid by the average cotton grower of Texas.

Wages for common hand labor in the Lower Rio Grande Valley, according to the testimony, were as low as 15 to 25 cents per hour. To the north and the west through El Paso Valley, we found a marked tendency for wages for similar work to rise. In southern New Mexico, the prevailing wages for the same type of work were reported to be 40 to 50 cents per hour. Thus, New Mexico was paying twice as much to get its hand labor work done as was being paid in the Lower Rio Grande Valley.

Further west in Arizona, wages are still better. In 1950, the State-wide average for picking of short staple cotton in Arizona was officially reported to be $3.10 per hundredweight. Cotton chopping and common farm labor wages were reported, in August 1950, to be $4 to $7 per 10-hour day.

The fact that wages in areas near the border tend to rise to the westward conforms to the general pattern in which State-wide average farm wages also rise to the westward. This is evident in the State average wages for all farm work as reported by the United States Department of Agriculture, which for 1950 were:

	Cents per hour
Texas	54
New Mexico	54
Arizona	64
California	88

Notwithstanding the strong and clear tendency for wages to rise as one moves westward, with California the highest of the group, we found wages in the Imperial Valley on the Mexican border to represent a complete reversal of this pattern. The going wage rate for common and hand labor in the Imperial Valley was 50 cents per hour. Thus Imperial Valley farm employers pay no more to get their farm work done than do farm employers in southern New Mexico, and probably less than do Arizona farm employers. Direct comparisons in wages paid in cotton cannot be made since Imperial Valley has no cotton, but the comparison in terms of wages paid to hand labor for other types of work leads to this conclusion.

It is thus clear that the Imperial Valley, with its large wetback traffic, represents a substantial contradiction to an otherwise consistent general tendency for farm wages to improve toward the West. The force of the

Imperial Valley wetback traffic is strong enough to upset this well-established East-West wage pattern; at the same time, it is strong enough to institute in one of the high farm wage States of the Nation, the same type of wage differential that is found on the Texas border. While common farm labor wages in 1950 in the Imperial Valley were 50 cents per hour, the going rate in the San Joaquin Valley was 85 cents per hour.

That the wetback traffic has severely depressed farm wages is unquestionable. We further inquired if the wetback, as an individual among others doing similar work, was paid a discriminatory, low wage. The testimony on this point was conflicting. In some cases, it was said that the wetback was paid the same rate as everyone else; in other cases, it was claimed that the wetback was paid less. Apparently, the answer to this question is determined by the proportion which wetbacks are of the local labor force. In the Lower Rio Grande Valley, the wetback proportion is so high that the wages paid them largely determine the wages paid to everyone there. The wetback wage tends to become the prevailing wage. In comparison, the wetback appears to be proportionally less important in the Imperial Valley and, accordingly, there is a chance for discrimination to occur. This is reflected by the testimony of a Deputy Labor Commissioner of California:

> The Mexican wetbacks work for 40 cents an hour and a few of them work for between 25 and 30 cents an hour. In many of our complaints the employer will bring in records showing that the wetbacks didn't work the number of hours claimed, and I would say that, in the majority of cases, they finally settled for anywhere from 25 percent to 75 percent of the original claim, which gives the farmer an opportunity to make a little additional saving in his labor bill by just cutting it down.

Consequences of the Wetback Traffic: Labor Competition and Displacement

South Texas with its large Spanish-American and Mexican-American population has long been a home base or winter quarters for migratory agricultural workers who in the summer season move northward principally into the Rocky Mountain States or the Great Lakes States. These people are citizens, some of two or three generations in the Southwest. Out of Texas, they are commonly referred to as Texas-Mexicans. Parallel with the increase in the wetback traffic, the number of Texas-Mexican residents entering the migratory labor stream has greatly increased. An authority on Mexican-American affairs explained this phenomenon to the Commission in the following words:

> The free and easy dipping into the cheap-labor reservoir that is Mexico, has made it virtually impossible for the citizens of Mexican descent in this area to make a satisfactory living. They are pushed farther north by the competition of 15 and 20 cents an hour labor, and as they move north they complicate the economic-social situation all up the line. . . .

> We have detailed statistics on the migration of the residents of Hidalgo County, in the period of two years, * * *. Of 16,000 persons included in the survey, 8,000 migrated from Hidalgo County. Those 8,000 migrants went to every single State in the United States in that migration during that period. They went out to do, primarily, agricultural labor, stoop labor, that they were prohibited from doing in their home county because of the competition of contraband labor that can be employed at 15, 20, and 25 cents an hour.

Nelson and Meyers, of the University of Texas, commenting on the same subject report that:

> The living standards which Mexican nationals are willing to tolerate, and the fact that so many of them are only temporary residents, have made it unnecessary for Valley farmers to provide housing, sanitary facilities, and other non-wage prerequisites adequate to retain a permanent resident farm population familiar with or educated to normal American standards. These two factors—low wages and poor living conditions—undoubtedly provide the incentive to movement from the Valley, about which so many Valley farmers complain, and upon which they rely in their argument for the necessity of continued unrestricted entry of Mexican nationals.

In contrast to the observations of objective investigators and the experience of workers who earlier had made their livelihood in south Texas, Texas farm employers repeatedly told the Commission that their local resident labor supply had become unreliable and was no longer willing to do hard hand work in the fields. Most farm employers testified that the problem was not one of wages—that domestic labor could not be induced to work at any price. However, one farm employer spokesman from the Lower Rio Grande Valley testified that the wage rate was a factor in the availability of local labor, for he said:

> Q. You say that a citizen worker doesn't want to go out on a farm. In Illinois they work on the farm and it is stoop labor too.
>
> A. That is because they have a higher wage.
>
> Q. You think they will work on farms but they won't work for 40 cents? Is that it?
>
> A. That is right, I think we could get them to work for 75 cents.

The displaced Texas-Mexican, who has come to be considered unreliable by farm employers in his home territory, is well regarded and welcomed elsewhere. Note the testimony of a cotton grower in Arizona:

> Q. You spoke mainly of Mexican workers and others? What is the race of the other workers that you employ?
>
> A. They are Mexicans. They are good Mexicans. Since the Cotton Growers Association went into a recruiting program here a couple of years ago, * * * they had never been around before, just been around I think it was Houston or San Antonio, and they are very good Mexicans. They send their money home and save their money. We have no trouble.

Q. Are those American citizens?

A. Yes, all American citizens.

Let the testimony of a Texas-Mexican worker who came to our hearing at Phoenix, Ariz., speak for itself:

Q. Where is your home in Texas?

A. Weslaco, Tex. (Lower Rio Grande Valley.)

Q. Why don't you stay down around Weslaco and work down there?

A. Well, I don't stay there because I can't make any money over there in that town.

Q. What is the reason you can't make any money there?

A. Well, because there is a lot of laborers in that town and they can't get any work. This year they promised us to pay 75 cents an hour. You can go anywhere to look for a job and you can't find any job. * * *

Q. Who promised you 75 cents?

A. Well, on the radio, I listen to the radio, and they took all the Nationals back to Mexico and so want to raise the price for us, but I and my brothers, my two brothers, was looking for a job all the way around the town and they couldn't find any, and myself started to work about 20 days after I got there, and I got started to get some people to get ready to come to Montana with me.

Q. I wanted to ask Mr. F—— about these Mexican Nationals in Texas. You say that you couldn't make any money there and wages were too low, there weren't any jobs because there was an abundance of other workers?

A. Yes.

Q. Were those other workers Mexican Nationals that came across the river?

A. Yes, sir; they crossed the river, and they worked for 3 or 4 days, dollar a day, two dollars and a half, and that is the reason we can't get jobs.

Q. You mean they paid them two dollars or two and a half?

A. Two and a half or three dollars.

Q. For how many hours?

A. Ten hours.

Q. They are getting about 25 cents an hour?

A. Yes.

Q. You spoke about the Mexican Nationals. Do you happen to know whether those are wetback Mexicans, or were those contract Mexicans that were brought in under the Government program? Which of those two was it that took most of the work around Weslaco?

A. Well, it is Mexicans that is from Mexico. They just crossed the river, and that is the reason they got a lot of laborers there in that town, and they don't get any jobs for us on farm labor.

Labor competition and displacement by the wetback is not limited to farm work. Labor union representatives of several crafts testified that wetback workers were being widely employed in many nonfarm occupations. Immigration officers have apprehended wetback Mexicans engaged in nonagricultural occupations in many States.

The representative of the Operating Engineers Union testified that, around the Brownsville area, it was universal practice for construction contractors to employ illegal alien labor. Wetback labor is also penetrating into the highly skilled trades according to the testimony of the Iron Workers Union:

> We have been having here * * * a number of cases of I guess they call them the "wetbacks", migratory labor, taking over, I'll say a very high craftman's job, which is the iron worker of construction work. . . .
>
> I will say it makes it awfully hard on my organization, men that have spent their time in their apprenticeship and serving their time to do their work, of which we have spent so much time in negotiating agreements and making working conditions for our members, and to have our working conditions broken down in this manner of using "wetback" labor.

Border State Farm Employers Who Do Not Get Wetbacks Protest Discrimination

The intensity of the wetback traffic is not uniform along the border. Most intense in the Lower Rio Grande Valley, it lessens to the north and the west of Texas. The traffic is much more intense in the Imperial Valley than in Arizona or New Mexico. Of all the States offering the kind of employment in which wetbacks are found, Arizona evidently has the least wetback traffic. This unequal access to wetback labor causes resentment, as is well expressed in the testimony of the manager of the Arizona Cooperative Cotton Growers' Association:

> Our farmers for several years have had a continuous and loud complaint that their friends and acquaintances in other bordering States have a comparatively large supply of wetback labor, while in Arizona the border patrol very successfully and carefully enforces the law against illegal aliens on the ranches. We have never tried to exert pressure to have this enforcement relieved, but we do want to call the attention of high figures (officials) to the fact that the other States should be treated alike; that if enforcement is being relaxed in other States, it should be relaxed in Arizona; that if enforcement is going to be strict in Arizona, we want it strict in other States.

Death and Disease

In the areas of wetback traffic, death and disease assume far more the characteristics of Mexico than of the United States. The foundations of these phenomena unquestionably predate the last few years in which the wetback traffic has achieved its present proportions. Consequently, the problems of death and disease cannot be exclusively attributed to the wetback traffic. Public health, sanitation, death, and disease in the border counties have long demanded attention. The wetback traffic inescapably postpones effective remedial measures and aggravates these problems. The wetback undergoes no health or physical examination as he illicitly enters the United States. The bringing in of disease and contagion cannot, therefore, be avoided. Moreover, while he is here as an illegal alien, the wetback will not ordinarily risk the chance of apprehension by seeking medical or health assistance. Reciprocally, the health and medical service agencies that might otherwise be ready to provide assistance for residents will ordinarily be foreclosed to the wetback, even if he were to seek aid, because of residence ineligibility. This circumstance does not arise with legal foreigners for whom provision is made.

One of the most sensitive indicators of the state of public health in any population is the rate of infant mortality. This is defined as the number of deaths under 1 year of age per 1,000 live births. For the United States at large, this rate in 1948 was 32. The state-wide average for Texas was 46.2; for the 28 counties of Texas on or immediately adjacent to the border, the average rate was 79.5. In the three counties commonly regarded as constituting the Lower Rio Grande Valley. the infant mortality rates were as follows:

Cameron	82.5
Hidalgo	107.2
Willacy	127.6

The only other counties in Texas with infant mortality rates higher than the lowest of the above are Brewster (86.4); Dimmit (93.0); Maverick (83.1); and Reeves (96.3). All of these counties are on the Mexican border or immediately adjacent except Reeves which is in Pecos Valley, lying in the narrow strip of Texas between Mexico and New Mexico.

New Mexico and Arizona both have high rates of infant mortality, 70.1 and 56.4, respectively, but the infant death problem in these areas is associated with large Indian populations rather than with Mexican-American people or with wetback traffic. In California, the state-wide infant mortality rate is 28.6 but the rate of 56.2 for the Imperial Valley is almost double.

Dysentery, diarrhea, and enteritis loom disproportionately large in the picture of infant deaths. These are the diseases of filth and insanitation. In California, the state-wide average infant death rate from diarrhea, enteritis, and dysentery is 1.8; for Imperial County, it is 12.9. In both Texas and California an overwhelming proportion of infant deaths from these causes is known to be in families of Mexican origin.

Disproportionate rates of death and disease are not confined to children alone. Reported diseases for the entire population in the areas of wetback traffic in Texas are unfavorably high as may be noted in the following comparison where the extent of those diseases listed is shown as a rate per 100 thousand population:

Disease	Texas—State-wide average	Texas—28 border counties
Tuberculosis	76.4	122.9
Dysentery	312.0	1,554.1
Syphilis	199.8	332.3
Malaria	37.4	126.1
Typhoid	3.7	6.5

Housing

A wetback is in no position when offered work to ask whether there is satisfactory housing or indeed whether there is any housing at all. Members of this Commission personally inspected wetback camps in the Lower Rio Grande Valley, in the El Paso Valley, and in the Imperial Valley. Where the wetback makes up the major proportion of the seasonal and migratory work force, virtually no housing, sanitary facilities, or other conditions of civilized living are supplied. Where the wetback concentration is proportionately less, housing conditions tend to improve but even so, remain far below the level of decency. A witness testifying at Brownsville did not overstate the squalor of the housing and living conditions that are much too common in the Lower Rio Grande Valley when he said, "I have seen, with my own eyes, people living in these shacks and sheds, getting their water to use, drink, and cook with, out of irrigation ditches, no type of sanitary facilities, bathing or toilet facilities of any kind within sight; living in shacks that I wouldn't put a horse in."

Speaking of the Imperial Valley, a Deputy Labor Commissioner of the State of California told us:

> The plight of the wetbacks I consider very serious there because the majority of them live on the ditch banks or in shed housing which is very, very poor. I would say that this is true mostly with the small farmers rather than the large growers as most of the large growers have facilities, but the small growers or the small operators get them to live on the ditch banks or a chicken house. I have seen lots cleaner and better chicken houses for chickens than I have seen for human beings in the Imperial Valley.

Problems Encountered in Enforcing Immigration Law

The problem of immigration-law enforcement includes the Mexican national who secures employment and wages through unlawful entry, the smuggler who gains from conspiring in the unlawful entry, the farm employer who gains from the employment of the illegal alien at low wages, and finally the governments of both countries. In illegally crossing the border, the wetback violates the laws of Mexico just as much as he does those of the United States. If Mexican farm workers are to be permitted temporary legal employment in the United States, one of the urgent problems faced by both governments is to devise a legal farm-labor program that will be a decent and orderly substitute for the wetback traffic and not a means of accelerating it. Beyond this first obvious step, which must be principally a matter of intergovernmental negotiation, the problems involved in taking affirmative measures against the respective participating parties require appropriate action by the United States.

When legal action is taken against the wetback, which is done only in very few cases and principally with repeated violators, there is little difficulty of prosecution and conviction. Here the problem is that great numbers make it impossible to proceed against each individual. While there is little difficulty of convicting the wetback, similar actions against those who assist illegal entry are not equally successful. Given the climate of local opinion in the areas of wetback traffic, it is extremely difficult and frequently impossible to prosecute and convict those who conspire to violate the immigration law. Here, as far as the smuggler is concerned, the problem is the enforcement of national law in an area which is unsympathetic to that law. The law against the introduction of excluded aliens is adequate; the problem is enforcement. Against those who harbor and conceal an illegal alien, the law is not adequate. The Supreme Court (*U. S.* v. *Evans*, 333 U. S. 483, Mar. 15, 1948) held that, because of lack of a penalty in the statute, the Immigration Act does not make it a punishable offense to conceal or harbor aliens not entitled to enter the United States. New legislation is needed which will penalize the acts of transporting, harboring, and concealing of illegal aliens.

Another obstacle in immigration law enforcement is the limited right of immigration officers to enter private property to search for illegal aliens. Many farm employers contest this and some have used arms and threats of bodily harm to resist inspection. Farm employers' objection to inspection of farm properties in search of illegal aliens was reported to us by the president of the New Mexico Farm and Livestock Bureau as follows:

> Another point that we would like to bring out is that farmers in New Mexico do not like the system now being used by the Immigration and

> Naturalization Service under which immigration officers overrun our farms indiscriminately, and fly their planes at housetop level over our farms and homes looking for illegal Mexican workers. It may or may not be legal, but it is not democratic procedure. It is a violation of the rights of citizens and private property. No farmer, nor any decent citizen, approves of such tactics, and there is nothing the farmer would like better than to cooperate with Federal agencies in enforcing a legal system of obtaining alien labor.

The authority is clear for an immigration officer to enter private property if he has a warrant; without a warrant he may enter if a deportable alien is known to be on the property who is likely to escape. The authority is not clear, however, for immigration officers to enter upon farms, ranches, or other enclosed lands to inspect or search for illegal aliens.

It must be noted that farms employing workers in significant numbers are places of employment and therefore affected with a public interest. Should they not be open to inspection for the enforcement of law? Under safety and accident prevention laws, it was long ago acknowledged that factory inspectors had the right to enter places of employment. Likewise, Government officials inspect places of employment to administer child labor, minimum wage, maximum hours, sanitation and other laws. The farmer's home, whether on his farm or elsewhere, is a different thing from the farm property on which employment occurs. Perhaps it is time we modernize our concept of the farm employing several workers, recognizing it (apart from the farmer's home) as not a personal castle but rather a place of employment affected with a public interest and on which inspections may be made in the enforcement of law.

Statutory clarification on the above points will aid in taking action against the conveyors and receivers of the wetback. These clarifications of the statute, together with increased funds and personnel for enforcement, are possibly all that are needed to deal effectively with the smuggler and the intermediary. But this will not be enough. Something more needs to be done to discourage the employment of wetbacks and to take the profit out of it. It was repeatedly suggested to the Commission that it recommend making the employment of a wetback a crime. This suggestion has merit since, if the risk involved in employing wetbacks were increased, the traffic would soon diminish. In addition to making employment of an illegal alien unlawful, much would be accomplished by taking the profit out of such employment. It seems likely that if farm employers had to maintain a decent standard of minimum wages, irrespective of the nationality of the worker to whom the wages are paid, the advantages of wetback employment would disappear.

The attack on the problem will have to be manifold. The wetback traffic has reached such proportions in volume and in consequent chaos, it should not be neglected any longer. The techniques to be employed may be of various types but we believe the basic approaches are encompassed in our recommendations.

RECOMMENDATIONS

We recommend that:

(1) The Immigration and Naturalization Service be strengthened by (a) clear statutory authority to enter places of employment to determine if illegal aliens are employed, (b) clear statutory penalties for harboring, concealing, or transporting illegal aliens, and (c) increased appropriations for personnel and equipment.

(2) Legislation be enacted making it unlawful to employ aliens illegally in the United States, the sanctions to be: (a) removal by the Immigration and Naturalization Service of all legally imported labor from any place of employment on which any illegal alien is found employed; (b) fine and imprisonment; (c) restraining orders and injunctions; and (d) prohibiting the shipment in interstate commerce of any product on which illegal alien labor has worked.

(3) Legalization for employment purposes of aliens illegally in the United States be discontinued and forbidden. This is not intended to interfere with handling of hardship cases as authorized by present immigration laws.

(4) The Department of State seek the active cooperation of the Government of Mexico in a program for eliminating the illegal migration of Mexican workers into the United States, by (a) the strict enforcement of the Mexican emigration laws, (b) preventing the concentration, in areas close to the border, of surplus supplies of Mexican labor, and (c) refraining from attempts to obtain legalization for employment in the United States of Mexican workers illegally in this country.

Chapter 5

How Migratory Workers Find Employment

Usually, a chapter on how men get work and how employers get labor would be titled something like: "Bringing Men and Jobs Together." We do not use such a title because with migratory farm labor it would falsely imply the existence of jobs as they are commonly known. Employers of migratory farm labor have much employment to offer, but in filling that employment, workers typically render only a labor service without ever acquiring the rights and privileges that commonly attach to a job or the stability that is normally characteristic of the employer and employee relationship.

The migratory farm worker seldom speaks of the work he does as a "job." He does not say, " I had a job for Mr. Brown," or even, "I picked potatoes for Mr. Brown." Rather he says, "I worked in potatoes." A migratory farm worker in California when asked what he did replied, "Well, cotton, peaches, apricots, and onions."

This distinction was vividly, though unintentionally, implied by another farm worker from California who had previously done nonfarm work, but more recently had been employed in seasonal crop work. When asked, "What type of work have you done in Bakersfield?" he replied, "My first job was a janitor at Pacific Fruit Express." A moment later when asked what type of agricultural work he was currently doing the same worker replied: "In the beginning of the spring we usually start in peas * * * following the pea harvest are the potatoes."

Although the questions were parallel, the answers were very different. In his work as janitor, this worker identified his employment as a job and he also was conscious of the name of his employer. In his agricultural work, he identified the product on which he worked, but he did not identify an employer nor did he call it a job.

To the migrants, the employer is, for all practical purposes, cotton, peas, beans, carrots, or peaches; to the employers, the workers usually have no individuality but are grouped as Mexicans, Jamaicans, Puerto Ricans, Negroes, Texas-Mexicans, or Okies. The separation between migratory farm workers and their employers is at once geographic, psychological, social, and cultural. As a result of this separation, migratory farm labor is a field in which millions of man-days of labor are performed without the employer or the worker having a personal or individual identification one to the other. It is not surprising that this produces a situation in which an intermediary can interpose himself between the employer and the worker and satisfy an unmet need of each. The needs of employers and of workers for the services of such a middleman arise out of their respective situations in the disorderly labor market:

(1) The enterprises employing the bulk of migratory farm workers are too large and employment is too brief to permit the development of a personal relationship between employer and migratory laborer. Yet, with minor exceptions, these enterprises have not installed modern personnel and employment practices. In consequence, most employers of migratory labor have neither the basis of personal acquaintance nor the basis of a well-run personnel office on which to procure workers. For an enterprise which must recruit a new seasonal labor supply each year and probably more than one, this is to be ill-equipped for the task at hand. The crew leader or labor contractor is therefore useful in helping the employer to get a labor supply.

(2) Few migratory workers are able to establish firm reemployment rights based on services in prior seasons. Each time the typical migratory farm worker gets employment, it is a "new" employment. In consequence, the migratory farm worker must compete for available employment irrespective of how many workers there are or how recently some have arrived on the scene. The worker who turns to a crew leader or labor contractor hopes thereby to gain an advantage of considerable value to him when there are too many workers and jobs are scarce or are far away. Moreover, transportation and housing are almost always problems confronting the migratory worker. Consequently, a labor contractor or crew leader who supplies these or assists in arranging them has further attractions for the worker.

Employment Middlemen: The Crew Leader and the Labor Contractor

The middleman system develops naturally in the kind of employment environment above described. It is common practice that one from among a group of laborers, who has the language ability or other particular talent for doing so, "hustles up" work for the group and thus eventually becomes a leader. When his leadership has been established, he becomes a "crew leader" with a crew of perhaps 30 workers. He expands his services by providing urgently needed transportation and may also supply food, shelter, and other services as well. Such an individual may have assumed leadership merely as an act of friendship to his group of fellow workers, but as his operations and responsibilities expand, he levies a charge for services.

In a parallel way, the employer finds it more convenient to deal with the crew leader than to deal with individual workers. It is the crew leader who comes to be substituted in the mind of the employer for what might be the migratory employees. In the next stage of this development, the employer discovers that instead of supervising and paying each of the workers separately, his management responsibilities would be simplified if he were to contract the job out to the crew leader and have him supervise and pay the workers. If he makes such an arrangement, the crew leader emerges as a labor contractor, though he may continue to call himself a crew leader, as is common along the Atlantic coast. On the Pacific coast, such employment brokers are usually called "labor contractors."

The labor contractor system has become thoroughly entrenched in many of the major areas employing migratory labor. In California, the testimony of several farm workers indicated they had found it impossible to get employment directly from the farmer. Rather, they were referred to the labor contractor who had control of the farmer's employment. The environment which affords the opportunity to perform services for both the worker and the employer also provides the opportunity to abuse relations with both.

Practices of Labor Contractors and Crew Leaders

The labor contractor system is essentially a means by which the employer of migratory farm workers avoids the responsibilities of obtaining and managing his labor. It is a system in which abuses may flourish and because of the multiple functions the contractor performs, the abuses take many forms. To the extent that a crew leader or labor contractor recruits labor, he is an employment agent. In this activity are to be found the well-known malpractices of private employment agencies, such as misrepresentation of work opportunities, the charging of excessive fees, and sending workers to places where there are no jobs. These abuses have led many States to license and regulate private employment agencies, but the laws are rarely applied to the recruiters of migratory farm labor.

For his services as an employment intermediary, whether as a supplier or as a supervisor of employment, the contractor or crew leader may extract a heavy financial toll. At the minimum, the crew leader may get no compensation beyond that which he earns as a working member of the crew plus the "help on the gas" which members of his crew contribute for transportation. Commonly, the crew leader, in return for bringing a crew to the farmer, will be given the contract to haul vegetables or fruit from the field or for weighing and hauling cotton to the gin. In such instances, the only compensation the crew leader gets is the earnings from his trucking. At the maximum, the crew leader may receive a fixed amount for performing a stipulated task. Out of this amount, he pays his workers. The net return to this type crew leader (or labor contractor) depends on the difference between what he receives and what he pays the workers.

The practices and rates for compensating crew leaders and labor contractors are so variable and diverse as to defy convenient classification. In some instances, the farmer pays for the middleman's services which are rendered on his behalf, but all too often the worker pays most of the costs, regardless of whether the services are useful to him or whether the intermediary is only parasitic.

We received testimony that charges as high as $1 a day of employment were made by contractors for supplying workers. For job supervision, we were told by one contractor that his normal "take" was 12 percent of the payroll. Regardless of the system of payment, the costs to the worker and to the employer for recruiting and contracting are undoubtedly high, but it is in the field of supplementary services supplied to the worker that the most serious evils develop. Some of these were frankly described for us at our Los Angeles hearing by a licensed labor contractor who testified that such practices were common among contractors. Examples of the practices cited by this witness were the following:

> Q. Do you know what prices these [contractors'] commissaries charge, whether it is reasonable with what the merchants would charge in the village?
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> A. It invariably is unreasonable * * * they charge a man $2 [or] $2.25 a day for room and board. * * * That board is really something terrible. I mean they really rob them. . . .
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> [The labor contractor] is in a position to sway the general equilibrium of honesty in any direction he wants * * *. There are many contractors and solicitors who have camps. * * * They supply the food, the women, the narcotics—of which there is a heavy traffic within these camps—and beer and wine and everything else, so they subsequently end up with a large proportion of the payroll.

State Legislation to Regulate Labor Contractors

Three States—California, Oregon, and Texas—make an effort to regulate the activities of farm-labor contractors. While the employment-agency laws of a number of other States might be construed to apply technically in the farm-labor field, the fact is that they have not been so interpreted. For example, the Virginia law covers "any person who solicits, hires, or contracts with laborers, male or female, to be employed by persons other than himself," but so far as is known, the definition has not been applied to the agent dealing with agricultural laborers within the State.

The California and Oregon laws regulating labor contractors, which are closely similar, are applied to farm-labor although they do not specifically mention it. However, in California, most of the labor contractors in the State have managed to operate without licenses.

Recently, the Governor's Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley (California) submitted a set of detailed recommendations which, if enacted into law, will go a long way toward effective and practical regulation of labor contractors' activities. These recommendations go beyond licensing persons who act as agents to supply labor. The term "labor contractor" is defined to include any individual "who hires workers in behalf of an employer or who, for a fee, provides in connection therewith one or more of the following services: Furnishes board, lodging, or transportation to such workers; supervises, times, checks, counts, weighs, or otherwise directs or measures their work; or disburses wage payments to such workers."

Having thus defined the labor contractor in terms of his variety of functions, the recommended legislation provides for bonds commensurate with the size of the payroll the contractor handles. In addition, various rules and regulations are proposed to remove the abuses of the contractor system, and to provide for effective enforcement.

The proposed California amendments contain many provisions which might be included in legislation to protect not only migratory laborers but farm employers and the public as well. We are therefore recommending that all States where migratory workers are employed under the labor contract system adopt similar legislation, and that the Federal Government enact a law along these lines to license and control interstate activities of labor contractors.

It must be pointed out, however, that the proposed amendments to the California law, in common with the laws of most other States, fail to cover numerous employment middlemen of the crew leader type who do not receive a fee in the usual sense of the word. It is easy for crew leaders to avoid the appearance of charging fees for their services. The crews may merely "help on the gas" for transportation, or pay for camp lodgings or goods bought in commissaries, while the charges to employers may be for hauling or weighing or for supervision where the crew leader is not himself the employer.

The Commission heard testimony that crew leaders definitely do not come under the Florida employment agency law which is limited to persons or agencies operating "for hire or profit." Even when the law specifically covers farm labor contractors, whether or not they receive a fee, as in Texas, it appears that crew leaders may go unregulated by operating through State employment services which are themselves exempt. In fact, the Texas State Employment Service, as an example, depends heavily upon unlicensed crew leaders to facilitate supplying farm labor.

There are various other circumstances which tend to place farm employment middlemen, at the various levels, outside the scope of State employment agency laws. Well-established labor contractors may not have to engage actively in recruitment because workers voluntarily come to them seeking employment, and in many instances the public employment services refer migratory laborers to them. Many crew leaders make the procurement of labor incidental to their other operations, yet most State employment agency laws apply only to those who are in the business of labor procurement on a regular basis and at a fixed address.

A special form of State regulation of private recruiting is the so-called "emigrant agent laws" which are particularly characteristic of the Southern States. These laws are designed principally to protect employers against having workers removed from the State rather than to protect the laborers against abuses of labor agents and contractors. Five States have special statutes of this kind; four have single laws covering both emigrant agents and ordinary employment agencies; three others merely prescribe special license fees for emigrant agents in their tax laws. Alabama has the most restrictive of the emigrant agent laws. It requires the emigrant agent to pay an annual fee of $5,000 for each county in which he operates, and also a similar fee for each county through which he or his representative accompanies workers to the State line. Texas also is among those States which, through imposition of special license fees on emigrant agents, endeavors to restrain soliciting for out-of-State employment.

Transportation

Although migratory farm workers travel long distances to get employment, very few of them use the bus or train as a means of transportation. In the ordinary sense of the word, they do not travel; most of them are hauled. And the mode of hauling is usually the truck supplied by employers, by labor contractors, or by crew leaders.

Not infrequently, the labor contractor establishes control over transportation by requiring workers to ride on his truck, even if they have transportation of their own. Indefinite arrangements about charges to be made often place the workers at the mercy of the contractor for return transportation. It is not unusual for the contractor to add to the charges originally agreed upon and to deduct greater amounts from wages when settlement is made.

Whether supplied by contractors or employers, the trucks used to carry migratory workers too frequently are old and dilapidated and generally unfit for carrying people. There have been many accidents to trucks loaded with migratory workers which would not have happened had the driver not been exhausted from continuous driving or had the truck been in proper mechanical repair. In many cases no rest stops are made even though the trip requires 36 hours or more. One reason why trucks carrying workers come straight through from points of origin to points of destination is that there are no accommodations for rest stops en route. A survey of migratory farm labor in Indiana reveals that the most frequent suggestion of workers from Texas was the need for "rest camps along the route of migration at which they might stop to clean up, rest, and cook."

Much of the transportation of farm workers involves crossing State lines. But since it is mostly by private carrier, it is not subject to the jurisdiction of the Interstate Commerce Commission. The latter regulates interstate transportation only when it is conducted by rail or common and contract motor carrier. As a result, the large traffic in migratory workers and their families is presently beyond the scope of public control, except as it is imposed by State vehicular and traffic laws.

Transportation of domestic migratory workers is in sharp contrast to the conditions under which Mexican nationals are transported in the United States. The Mexican worker's contract provides for transportation by common carrier or in approved equipment. Conditions which must be met if the vehicle is not a common carrier include: insurance to protect the workers against injury en route; a vehicle with fixed seats to accommodate each worker and with covering against inclement weather; hours of travel limited to 12 per day, not to commence before 4 a. m. and not to continue after 8 p. m.; 10-minute rest stops every 2 hours with half-hour rest stops for meals; provision of overnight rest accommodation; and an experienced, licensed driver who agrees to observe the safety regulations of common carriers.

Work-Seeking and Direct Employer Recruitment

Many migratory workers try to find their own employment. In current jargon, such workers are called "free-wheelers," "self-starters," or "self-recruiters." It is estimated that perhaps as much as 40 percent of the migratory farm labor force in American agriculture belongs to this category. In some States which are major employers of migratory farm labor, the proportion of workers seeking jobs individually is estimated to be as high as 60 percent, in others as low as 10 percent. Many move into seasonal work areas without prior arrangement except the vague and tenuous promises contained in the publicity of farm-employers associations or in the general information issued by the public employment services. The majority of those seeking their own employment undoubtedly do so on the basis of chance, or, at the best, on the hope of reemployment on the basis of prior service.

Similarly, many employers of migratory labor procure their labor individually, either by doing nothing at all and passively expecting the labor to come, or by recruiting. Such employers often wait until the last minute and then, if the labor does not appear, they may turn in great anxiety to the public employment service or to a labor contractor, or private recruiter.

The inadequacies of haphazard work-seeking by individual migratory workers and family groups and the labor waste and loss of time involved are obvious. So also are the inadequacies of haphazard recruitment by individual employers. Strange as it may seem, farm employers made little systematic effort until recent years to organize for the purpose of orderly recruiting of migratory workers. About 50 years ago beet sugar companies began to recruit workers for their growers, but until World War II there were practically no organizations or associations of farmers which concerned themselves with recruiting seasonal and migratory workers for their members. Farmers depend on workers coming to their farms in response to newspaper stories advertising their needs, or on private labor agencies, and on such assistance as the Federal and State employment services can give them.

As a representative of a larger employer association told us at our Saginaw hearing:

> The necessity for doing something about this [problem of labor supply] occurred early when Selective Service first came into the picture before the last war, and growers suddenly * * * took action on a thing they had long known—that there was a waste of manpower and a waste of money and a waste of time on the part of the workers through duplicating labor supplies. The sugar beet industry annually went to their sources of supply and got the labor. At the same time, a crop which immediately followed sugar beets was making its plans independently for labor. During the years of labor plenty, from the point of view at least of the employers, that was not very serious. When labor began to get scarce and the cost of obtaining them rose, these employers, through prodding and guiding on the part of the Extension Service, which then had the responsibility for farm labor, formed this corporation.

The farm labor program launched by the United States Government during the war stimulated the organization of farm-labor users' associations, especially that part of the program which involved importation of alien contract labor. Individual farm employers found it necessary to join together to simplify administrative arrangements for employing foreign workers and also to make it possible to meet the minimum employment guarantee which the contracts of foreign workers required. Although organized primarily to handle foreign labor, these associations were found also to be advantageous in the recruitment and employment of domestic migrants.

Although many of the wartime farm labor associations were disbanded at the close of the war emergency, a number were retained. Moreover, many new ones on the same general pattern have been organized or, in lieu of a new organization, existing organizations designed for other purposes have taken on the labor recruitment function.

By establishing controlled and supervised labor reservoirs, these employers' labor associations provide a method by which their members are reasonably assured of labor supplies and by which workers may get more continuous work in a series of employments that are characteristically intermittent and are of short-term duration. It is also a way of eliminating the abuses that are inherent in the system of crew leaders, labor contractors, and other private recruiting agents.

Many of these associations have hired managers and field men to supervise employment. If these grower and processor labor associations continue to grow and to develop, the middleman traffic in migratory farm labor is likely to diminish. Likewise, disorderly work-seeking and labor recruiting may also decline. Moreover, these group approaches to recruitment and hiring represent an opportunity for promoting better standards of employment for seasonal farm laborers and improved employer-employee relations.

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Recruitment and Placement by Public Employment Agencies

The Government agencies designed to assist farm workers to find employment and to help farm employers to get labor are the Farm Placement Divisions of the United States Employment Service and of the State employment services, which receive financial grants from the United States Government. The Federal service is expected to coordinate the activities of the State services. Transfer of labor from one State to another is supervised by regional offices of the United States Employment Service, the Farm Placement Division of which has the main responsibility for directing and controlling the movement of migratory farm workers across State lines.

The services of the public employment offices are free to workers and employers in all industries. Among the reasons for creating the Nationwide free public employment service were: (1) To eliminate the abuses of fee-charging private employment agencies; and (2) to supplant the haphazard methods of individuals searching for jobs while employers were unable to find workers.

By organizing the market for labor in a systematic manner, it was hoped that the disorder on which labor runners, recruiters, and the rest of the middleman traffic thrive could be reduced or eliminated. Much of this hope has been realized in industrial employment, through the efforts of the public employment services and by the systematic efforts of industrial employers to organize and control recruitment and hiring. The growth of union organizations among industrial employees has also contributed. Little has been accomplished, however, in the way of orderly organization of the farm labor market, especially in the recruitment and placement of domestic migratory farm workers.

There are numerous obstacles which stand in the way of establishing an orderly and efficient system of recruitment and placement in so highly irregular a form of employment as seasonal farm work.

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In addition, however, the procedures and methods followed by the Farm Placement Service in carrying out its program may be responsible for difficulties that have prevented it from achieving its goal of an "orderly and expeditious movement of migrant workers to successive job opportunities." Certainly, the Commission's inquiries and observations do not justify a finding that much has been accomplished by the Service in the way of organizing an orderly and expeditious movement of workers to successive jobs with minimum loss of time between work opportunities. We are of the opinion, rather, that hardly a dent has been made in the disorder that accompanies the migration of domestic farm workers across the country, and that the Farm Placement Service has made little progress toward its goal.

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Much emphasis is placed by the Service on "providing current and reliable information regarding crop conditions and employment opportunities." Numerous booklets and bulletins are published and distributed giving estimates of conditions of crops from time to time, and general statements of how many workers are expected to be needed in certain areas, States, and counties. These estimates are supplied by farm employers or their associations, county agricultural agents, and similar sources. The information may be of some value to employment office officials, or to crew leaders and labor contractors, but for individual workers, it appears at best to be of little use and actually may be confusing and misleading. Even if it were accurately stated that in certain areas on certain crops 500 or 1,000 workers would be needed for a period of 2 or 3 weeks, the information is not directed to any particular group and consequently may attract double or more the number of workers needed. Moreover, such estimates do not say that any particular farm employer will give employment to a specified number of workers for any specified period of time.

The spreading of such general information about possible labor needs in certain farming areas can hardly provide farm workers with reliable information about employment opportunities. To achieve this purpose it is necessary that farm employers register firm orders with the public employment offices for definite numbers of workers to begin work at a definite time at specified rates of pay. If the employment office had this information to give to individual workers applying for farm employment, then it would be in a position to offer real opportunities for work with the employers who had placed the orders. But so far as the great mass of migratory farm workers is concerned, no such procedure is followed by the Farm Placement Service.

In some instances, as in the States along the lower Atlantic coast and in Texas, the State Employment Services approach such a procedure by securing definite information from farm employers as to their specific needs and then arranging meetings with crew leaders to discuss filling those needs. It is the crew leaders, however, and not the employment offices that recruit workers, though the employment offices sometimes help to fill out their crews. The testimony at our Florida hearing was that in these cases the employment offices took credit for placing the total number of workers in the crew which they refer to particular employers. There are other instances of similar arrangements, but the vast majority of migratory workers are not registered as applicants for employment and they are not referred to or placed with farm employers who have filed applications for help.

The normal procedures of public employment offices in placing industrial and commercial workers, including seasonal, temporary, or casual laborers, require that employers shall file applications for the workers they want and that those seeking work shall file applications for employment. The same procedures are also used by the employment offices in placing the smaller numbers of more regular or permanent hired farm hands. But the Farm Placement Division seems to be of the opinion that it is impractical to devise a method of taking applications for employment from migratory workers and definite orders from farm employers for the seasonal or migratory laborers they need. Yet public employment offices in many States have for years found such procedures quite practical in placing great numbers of casual and seasonal laborers on construction work, in railroad extra gangs, lumber camps, tunnel and dam building, and similar operations.

Except for the arrangements with crew leaders and labor contractors in Florida and Texas, the Farm Placement Service does little to register and mobilize the migratory workers and their family groups at their home bases for the purpose of controlling and directing the movement of the migrants to definite places of employment. Likewise, little is done to arrange with farm employers for successive employment of migratory groups.

Instead, most of the efforts and energies of the Service are devoted to influencing the migratory movements after they have already begun by disseminating information as to the crop areas where work is expected to be available. This is done by spreading general information, by advertising, and by roadside information stations where the migrants who stop to inquire can get general directions. This differs little from the mass advertising and publicity by which employers try to attract large supplies of labor to their neighborhoods when there is no effective employment service for bringing workers and employers together.

Generally, the Farm Placement Service has been more successful in winning the confidence and cooperation of farm employers than of the migratory farm workers. This seems to be due to the fact that in practice the Service places greater emphasis on its function as a recruiting agency for farm employers than it does on the equally important function of a work-finding agency for the migratory farm laborers. Indeed, it is sometimes difficult to distinguish between the recruitment activities of the Farm Placement Service and those of the farm employers themselves. An employer or employers' association may finance in whole or in part a recruiting program undertaken by the Service in behalf of the particular employer or association. In our Portland hearing, for example, we were informed by a representative of the Service that employers—

> * * * assisted us in financing [the advertising] campaign for workers. * * * In some instances, they [the employers] sent representatives into areas to work with other local officers for direct recruitment.

An Arizona Employment Service representative further illuminated these joint recruitment operations as follows:

> The heavy demand for cotton pickers constitutes the major problem. This is resolved by the usual activities, such as positive recruitment by employers in supply States working in cooperation with the Employment Service, radio publicity, newspaper advertisements paid for by growers, posters, and dissemination of information concerning wages, housing, and transportation. * * *

Reciprocally, the employment service in some cases designates the employer or his representative to act as the recruiting agent. In this manner, the Arizona State Employment Service, for example, made arrangements to send farm employers to Texas, Oklahoma, and Idaho to recruit cotton pickers. Through this arrangement the employers "were able to forego the cost of a recruiting license in the State of Texas and [their] representative was able to work in any county rather than being limited to the one in which the license was purchased." Mississippi cotton growers were encouraged by the public employment system of that State to pool their requirements and to send a representative to Texas in 1949 to recruit cotton choppers.

Although crew chiefs, labor contractors, and other private recruiting agents are competitors of the public placement service, nevertheless such recruiters are often patrons of the service, and it cooperates with them in their recruiting efforts. When a labor contractor at our Los Angeles hearing was asked where he got his labor, he replied that he got many workers from the public employment offices. In fact, the Farm Placement Service seems to be becoming increasingly dependent in many parts of the country on crew leaders and other types of labor solicitors in its recruiting activities, as indicated by the arrangements with these private recruiters in Florida and Texas mentioned above. Moreover, in many public placement offices where migratory laborers apply for work they are referred to crew leaders or labor contractors rather than directly to farm employers.

These practices have convinced the Commission that the Employment Service conceives its functions as rather narrow and limited. Moreover, its activities are marked by a certain one-sidedness in favor of corralling supplies of migratory farm workers to meet growers' labor demand regardless of effects on the workers. Thus, the Service has tended to disregard the effects on workers of attracting or directing oversupplies of labor into certain crop areas.

The general attitude of the Farm Placement Service that impresses the Commission as one-sided is perhaps best illustrated by the "Special Farm Labor Committee" attached to the Service which we mentioned in a previous chapter. Despite the fact that Congress in establishing the United States Employment Service provided for a Federal Advisory Council representing workers, employers, and the public, and similar tripartite councils for each of the State Employment Services, the Farm Placement Division disregarded the principal of representing all interests affected by the operations of public employment offices. In organizing and depending for advice on the Special Farm Labor Committee composed wholly of farm employers and their representatives, it acted as if, in bringing together employment opportunities and seasonal and migratory farm workers, only the advice of employers was needed, and the public and the worker had no interest in the matter. Congress, however, made no such distinction when it provided for representation of all interests on advisory councils for public employment services in all its operations. It plainly intended that labor and management in agriculture, industry, commerce, and all other forms of economic activity should be treated alike.

It may be that a special farm labor committee is needed to advise the Service on the particular problems of agricultural employment. But we can find no justification for confining membership on such a committee to farm employer representation only. Preferably the committee should function as a subcommittee of the statutory Advisory Council, and not as an independent body, for the functions of the Farm Placement Service are not confined to farming, but cover also "related industries." Moreover, many migratory farm workers are employed at other than farm work during some portion of the year.

At present the activities of the Farm Placement Service are largely supplementary to the efforts of the migratory workers themselves to find work opportunities and to the numerous private recruiters, crew leaders, labor contractors, farm employers, and their associations to recruit labor for themselves. The basic need is to establish the Service as the main mobilizing agency for connecting the labor supply directly with the farm employers' labor demands, and eliminating as far as possible the middlemen traffic between the two. This basic need must include measures for lengthening periods of employment and reducing migrancy to a minimum by helping the migrants to establish their home base near the areas of large farm labor demand so that they can maintain normal family life by traveling to their work relatively short distances and return to their homes daily or at fairly frequent intervals.

In directing attention to the shortcomings of the present program of the Farm Placement Service, the Commission does not want to leave the impression that the Service is wholly responsible for the present unsatisfactory methods of adjusting agricultural labor needs and available farm labor supplies. Although Federal authority and responsibility for farm labor placement have existed for nearly two decades, the many administrative rearrangements within these years may have interfered with the development of a well-rounded program. In addition to transfers of the Farm Placement Service among the Department of Labor, the War Manpower Commission, and the Federal Security Agency, farm placement was divorced from the general employment service and placed in the Department of Agriculture from 1943 to 1948. When farm-labor placement was again brought back with the general employment service in 1948, greater responsibility was allocated to the States. These numerous administrative changes and the brief life of the Farm Placement Service in its present form have not made for an administrative environment in which an effective farm labor program could easily develop.

Nevertheless, the Farm Placement Service has made some constructive contribution toward mobilizing farm-labor supply and demand in an efficient manner. In some parts of the country there have been developed with its aid and guidance "day haul" arrangements which enable local workers to circulate regularly during the seasons of labor demand between their homes and farms in nearby areas. Through the efforts of the public employment services along the Atlantic coast and within Texas, the migratory pattern is being made more orderly and systematic, despite the fact that this program is still built in the main on the use of crew leaders who largely recruit their own crews. The New York State Employment Service is endeavoring, through a registration system, to find out more about its migratory crews and to improve their working programs, even though it is not yet in a position to license and regulate crew leaders coming into the State.

Another constructive program is that of the Benton Harbor Employment Service which operates in the fruit and vegetable area of southwest Michigan. The employment service in this area has followed a policy of referring workers for employment only when individual placement is assured. The city of Benton Harbor cooperates in the program by maintaining a modern sanitary camp for migratory workers. This camp not only provides temporary housing for workers moving from one place of employment to another but, under supervision of the local employment office, it serves as a supply center for labor which can be used by the public employment system to meet the labor needs of employers in the area.

RECOMMENDATIONS

We recommend that:

(1) Federal legislation be enacted to prohibit interstate recruitment of farm labor by crew leaders, labor contractors, employers, employers' agents, and other private recruiting agents except when such agents are licensed by the Department of Labor. The Federal Committee on Migratory Farm Labor should develop appropriate standards for regulating and licensing such private agents.

(2) States enact legislation and establish enforcement machinery to regulate and license labor contractors, crew leaders, and other private recruiting agents operating intrastate, such legislation to include private solicitors or recruiters operating on a fee or nonfee basis, either part-time or year-round. The standards of regulation should at least equal those established by the Federal Committee on Migratory Farm Labor. The recommendations of the Governor's Committee of California suggest the form and content of such State legislation.

(3) The United States Employment Service and the State employment services adopt a policy of refusing to refer workers to crew leaders, labor contractors, or private recruiting agents for employment.

(4) The United States Employment Service adopt regulations and administrative procedures to safeguard interstate recruiting and transporting of workers by providing that:

(*a*) Terms of employment be reduced to writing, such written terms to contain a provision for the adjustment of grievances.

(*b*) Housing and transportation arrangements available to workers meet the minimum standards established by the Federal Committee on Migratory Farm Labor.

(*c*) State employment services shall not recruit farm workers outside their States or assist in bringing farm workers in from other States unless the United States Employment Service is assured that the State does not have the necessary labor available within its own borders.

(5) Neither the United States Employment Service nor State employment services join with employers, employers' associations, or other private recruiting agents in mass advertising for interstate recruitment.

(6) In order to achieve better utilization of the national domestic farm labor supply, States having legislation restricting recruitment of workers for out-of-State employment (emigrant agent laws) undertake repeal of such legislation.

(7) The Federal Committee on Migratory Farm Labor establish transportation standards of safety and comfort (including in-transit rest camps). The States should be guided by the transportation standards of the Federal Committee on Migratory Farm Labor as minimum conditions to govern intrastate transportation of migratory farm workers.

(8) The United States Employment Service and the State employment services be advised on farm labor questions by the tripartite advisory councils provided for in the Wagner-Peyser Act or by tripartite subcommittees of the councils.

Chapter 6

Employment Management and Labor Relations

As is evident from the discussion of preceding chapters, migratory farm laborers in the United States, both alien and domestic, work under circumstances in which impersonal relations and insecurity are dominantly characteristic. Only the legal aliens and the Puerto Ricans, which together in recent years have comprised approximately one-tenth of all migrants, work under the stability and orderliness of employment contracts. The other nine-tenths, made up of some 400,000 wetbacks and 500,000 domestic workers, with only rare exceptions, do not have the stability of an employment contract on which workable employer-employee relations may be founded.

When employment occurs under the contractual relationship which legal aliens and Puerto Ricans have, there is no occasion for the labor contractor or crew leader to introduce himself as an employment intermediary. In contrast, for a large proportion of the domestic migrants and also for some of the wetbacks, the obscurity and uncertainty of the employer-employee relationship are aggravated by the intervention of the labor contractor, whose role was discussed at some length in the preceding chapter.

The outstanding features of the foreign and Puerto Rican work contracts which contribute to stability in the employer-employee relationship are the provisions establishing a minimum term for the contract and a guarantee of minimum employment or of minimum earnings within the term of the contract. Supplementary to these features, the contracts contain other provisions which reduce the uncertainty and the insecurity of employment relations which are all too common to the employment situation of the vast majority of migrants.

Under the Mexican-United States International Agreement, Mexican workers are contracted for 3 to 6 months, and many are recontracted up to 12 months. In the New Jersey area, where most Puerto Ricans are used, the minimum Puerto Rican contract period is 3 months and a majority of the workers have 5- or 6-month contracts. The average term of the British West Indian contracts is 4 months.

The Mexican worker is guaranteed employment for 75 percent of the working time of the entire contract period. Working time is defined on the basis of an 8-hour day and a 6-day week. On days when the Mexican worker is given only 4 hours or less of employment, his contract provides free subsistence or the cash equivalent. Similarly, the Puerto

Rican contracts guarantee 160 hours of employment in each 4-week period, which is voided only by an "act of God" or breach of contract by the worker. The minimum guaranteed earnings of Jamaicans and Bahamians are set at $25 in each 2-week period.

The Puerto Rican, Jamaican, and Bahamian contracts limit the hours which an employee may be required to work—the first, to 8 per day; the other two to 10 per day. The Mexican contract prescribes only that the Mexican worker need not work different hours than those which prevail for domestic workers.

Another common characteristic of the work contracts is limitation of the amount of money which may be charged for board and lodging. These charges range from $1.75 a day for meals in the Mexican contract, to $1.40 a day for board and lodging in the Bahamian contract. At his option, the Mexican worker may prepare his own meals, but, in that event, must provide his own cooking facilities. The Jamaican and Bahamian, on the other hand, may be required to use the board and lodging furnished by the employer. Under all contracts, workers are free to purchase food and other articles of personal consumption wherever they wish.

Since all four of these contracts are subject to supervision and intervention by Government agencies, there is, in all cases, a third party who, theoretically, can deal with the complaints of workers. The Mexican contract worker may take any complaint he may have to his consul or to representatives of the United States Employment Service. Bahamian and Jamaican workers may turn to agents of their respective governments who are maintained for the purpose of administering their contracts and adjusting complaints that may arise under them. The Puerto Rican contracts are supervised by the Insular Department of Labor. Further, these contracts specifically provide that, upon the worker's request, the Puerto Rican Commissioner of Labor may represent him "for all purposes arising out of or in connection with this agreement." While it cannot be said that these various grievance procedures in the foreign and Puerto Rican contracts have the effectiveness of grievance machinery in a well-developed collective-bargaining situation, they do nonetheless represent an advance over the recourse that the typical domestic migrant has, which is to move on to something else, if he feels he has been treated unjustly.

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Farm Employers' Organizations for Management of Labor Problems

To simplify the administrative problems of entering into work contracts, and to meet the obligation of minimum employment guarantees, farm employers have found advantage in organizing themselves into associations. For the most part, these employer associations are an outgrowth of the World War II emergency period when their organization was encouraged and sponsored by the United States Department of Agriculture and the affiliated State Agricultural Extension Services. In addition to their convenience in the contracting of foreign labor, these associations were found to offer advantages in centralizing the procurement of labor from domestic sources, as described in the preceding chapter, and also in pooling the use of a labor supply. The number of such farm employer associations grew to about 400 by the end of World War II.

With the pressure to conserve labor much reduced at the end of the war, some of the wartime organizations disbanded, but since the advantages of such organizations had been demonstrated, many were maintained. During the postwar years, new associations have been formed and a number of organizations which had disbanded after the war have recently been reactivated.

To illustrate the nature and the types of activities of present-day farm employer associations, we describe some of the organizations whose representatives testified at our hearings.

Michigan Field Crops.—Michigan Field Crops is a nonstock, nonprofit corporation of some 19,000 farmers, the bulk of whom are under contract to the Michigan Sugar Co., and a few other large food processors. The articles of incorporation state the purpose to be:

> The promotion of the production of field crops and other forms of agriculture; the rendering of service and assistance in connection with the obtaining and employment by them of field labor; the regulation of the movement of field labor from one or more members of this organization to other members as seasonal requirements shall determine.

Indicative of the scale of operations of Michigan Field Crops is the fact that in 1950 it furnished about 11,000 workers to its farmer members. Among these workers were approximately 5,000 Puerto Ricans, 5,000 Texas-Mexicans, and 1,000 from Michigan or nearby States.

Garden State Service Cooperative Association.—The Garden State Service Cooperative Association is an outgrowth of an experiment undertaken by the Gloucester County Board of Agriculture in New Jersey when in 1946 it contracted some 200 Puerto Ricans for agricultural labor. The experiment was successful and the organization grew in scope. In 1949, the Gloucester County Board of Agriculture with five other farm employer associations established the Garden State Service Cooperative Association. This association has no individual employer members but only association members. It is the recruiting and transporting agent for the association members. In the spring of 1950, the Gloucester County Board of Agriculture's farm labor project was superseded by the Glassboro Service Association. The present membership of the Garden State Service Cooperative Association is as follows: Glassboro Service Association of New Jersey; Farmers and Gardeners Association of New Jersey; Brant Growers Cooperative of New York; Ulster Vegetable Growers Cooperative of New York; and Wayne County Growers and Processors of New York.

The operations of the Garden State Service Cooperative Association and its members are on a smaller scale than Michigan Field Crops. In 1949, Garden State recruited and transported 3,928 Puerto Ricans for its members. In 1950, it recruited 3,452 Puerto Ricans—2,196 directly from Puerto Rico and 1,256 from Michigan Field Crops. In addition to Puerto Ricans recruited from the island, others already on the mainland come of their own accord to the individual associations and are given contracts generally similar to those given the recruited workers. In 1950, Glassboro Service Association employed 4,600 Puerto Ricans, of whom 2,319 were recruited in Puerto Rico and 2,281 were "walk-ins." Glassboro's plans for 1951 call for 7,500 Puerto Ricans of whom the association anticipates 1,000 will be "walk-ins."

Minnesota Canners Association.—Minnesota Canners Association is a product of the World War II period. It is made up of 19 canning companies operating 29 plants within Minnesota. Its canner membership in 1950 harvested about 100,000 acres principally in corn and peas. The bulk of this acreage is on general farms which are under production contract to the canners. The association stated its maximum field labor requirement to be about 5,000 workers. In September at our Saginaw hearing, its representative reported 2,049 field workers as being then employed of whom slightly more than three-fourths were Puerto Ricans and foreign workers. The remaining one-fourth was principally Texas-Mexicans.

Green Giant Company.—This is a food processing company which operates canning plants in Minnesota, Wisconsin, Illinois, Iowa, Washington, Idaho, and Pennsylvania. The Minnesota Division alone estimates its harvest labor requirement at 2,000. The Wisconsin Division of the company processes the vegetables from 16,000 acres, while the Blue Mountain Division in the Pacific Northwest similarly handles 25,000 acres. The different divisions of the company operate with some autonomy in procuring their labor supplies.

Pooling Labor Needs and Lengthening Employment

Employer associations have made it possible to improve the methods of managing labor, to the benefit of employers and employees alike. Employers have found associations helpful in securing more efficient utilization of their labor supply. At the same time, workers have received longer and more continuous employment. Pooling of labor needs makes more continuous employment possible because peak labor needs of different farms, crops, and areas occur at somewhat different times, thus enabling the same workers to meet several peak needs.

Testimony presented at our hearings indicated that pooling arrangements among employers take place in various ways. Some food-processing companies with large-scale operations operate intracompany pooling schemes. Even in this case, however, the units of these companies frequently find it to their advantage to pool labor needs with outside companies and growers in their own geographic area. We also found that employer associations often exchange workers between one another and with food-processing companies. In fact, the Garden State employer association in New Jersey is the only association coming to our attention which provides continuous employment over a period of several months without going outside its membership.

Illustrative of intracompany pooling is the testimony of the representative of the Minnesota Division of the Green Giant Company:

> * * * we * * * have our plants in these different locations in Washington, in Iowa, in Minnesota, Wisconsin, Illinois, and so forth, and these places reach their peak at different periods of time. So, for example, this year we at our own expense shipped 100 men from Minnesota out to the State of Washington to meet their peak, and then, at our own expense again, we brought them back to meet our peak.

Where a company is spread over so wide an area as is the Green Giant Company, participation in State or regional labor pools and exchanges with other employer associations or processors within the various regions is also extensively used. The representative of the Wisconsin Division of the Green Giant Company told us:

> At the same time we made negotiations with the United States Sugar Corporation of Clewiston, Florida, and we were able to obtain some British West Indian workers from them, while some were recruited in Jamaica and flown to the States. * * *
>
> The Minnesota division got many of their workers from the Florida Vegetable Committee of Orlando, Florida, and they also recruited men directly from the Bahama Islands. These workers were transferred between our pool members as the crops developed and we were able to harvest all of our crops. All of the workers likewise were steadily employed.

The Minnesota Division of this company described its outside pooling arrangements to us in these terms:

> We have worked it out with other people where we can ship these men to them for intermediate periods. For example, we shipped quite a few men to Pioneer Hybrid in Iowa in their corn operation, and * * * Michigan Field Crops is another group that we worked with. We need more workers during the corn operations than we do during the pea operations, so Michigan Field Crops no longer needed their Puerto Ricans at the end of the cultivating season and we took 400 and some from them and used them in our corn operations. Now, they will need them back again about September 25, so we again will pay their way back to Michigan so they will get there in time for the

> further beet operations. * * * By shifting around and working with these different people, we can keep them occupied most of the time, although there will always be a few days when they will stay in the camp without any means of income. * * *

Michigan Field Crops, with 19,000 grower members, is set up primarily to pool its own labor supply. However, at our Trenton hearing we learned of 1,200 workers being sent to Garden State Service Cooperative Association of New Jersey and in our Saginaw hearing we were told of 500 who had been sent to a Minnesota group. We asked:

> Q. * * * how does it happen you would have available out of your total of 5,000 roughly, Puerto Ricans, nearly 2,000 that you could loan, so to speak, to these distant areas in other parts of the country?
>
> A. Well, I think the explanation of that lies in the fact that we had to increase unexpectedly, at the last moment our Puerto Rican requirements because of the failure of Chicago* and the displaced persons, and we had to enter into contract with Puerto Rico for a specified period of time, whether we wanted to or not. In other words, Puerto Rico would not enter into a contract just for the length of time in our work in sugar beets. It was up to us to scramble around and find some users who would be willing under the contract terms, to take over all the surplus we had, that could not be absorbed in our own crops, here.

The Garden State Cooperative Service Association and its member associations have two ways of pooling labor within the structure of their organization. First is the interfarm exchange of labor within each individual association. If this fails to meet the contractual guarantees of the organization to its Puerto Rican workers, there is the second possibility of exchanging labor among the individual associations. The testimony indicated, however, that interfarm exchanges within the individual associations were usually adequate. There have been few interassociation exchanges of labor.

That exchange of labor among farms within each association membership has been adequate to meet the guarantee to the Puerto Ricans of 160 hours of employment in each 4-week period is probably largely attributable to the diversity of agriculture within the area. The details and results for the Glassboro Association are well described in the testimony of the manager:

> He [the typical Puerto Rican worker] comes back to the camp on June 30 [after the end of the asparagus harvest which began around May 1], and he finds it will be necessary for him to live in the camp for a 3- or 4-week period until tomatoes. Now, during this time, he is employed on a variety of jobs on a day-haul basis—beans, pickles, onions, a variety of crops which

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*"Our plans in Chicago went awry * * * when the Immigration Service deported some 1,800 illegal Mexican entries and the balance of the Latin American population remained in the city hoping to obtain the industrial jobs vacated by these illegal aliens."

are harvested during the month of July. He may be employed a few days on this farm and a few days on that farm. We keep the boys busy. * * * Tomato picking lasts until approximately October 1, depending on the frost. * * * The minute this boy is finished with tomatoes, he is replaced on a sweetpotato farm to work out the balance of his contract until November 1. * * * It requires a great deal of coordination in placements. For example, last year we used 4,076 men. We placed those men an average of 2.12 times, and they did the work of about 9,000 men. * * * In 1948 we had quite a problem of coordination. * * * And in order to keep all our people employed at all times, we had to place each man 3.35 times in 1948. But through better knowledge of the situation, probably better knowledge of our own farms and farming conditions in southern New Jersey, in 1949 we were able to cut that placement figure to 2.12 times per man and still keep our men employed at all times.

Employment Terms for Contract Workers Not Extended to Domestic Labor

An important thing to note about the arrangements just described is that they apply to foreign and Puerto Rican workers. They do not apply to domestic labor. Continuous work opportunities over a 3- to 5-month period are open to those workers for whom employers are under a minimum employment obligation. Only one case came to our knowledge of an association or company giving to domestic migratory workers a contract comparable to that offered foreign or Puerto Rican workers. The exception is that of the Blue Mountain Division (Pacific Northwest) of the Green Giant Company in the contract which it offers its Texas-Mexican workers.

We were interested in the reasons why farm-employer associations, with this exception, had not entered into contract arrangements with domestic workers on terms similar to those on which they contracted foreign labor. At our Fort Collins hearing, we asked this question of the representative of the Great Western Sugar Company which employs both domestic and Mexican national labor but only the latter under contract.

> Q. Have the sugar companies of this area offered American workers contract provisions similar to those they have given to Mexican nationals?
>
> A. The answer is "No."
>
> Q. Why not?
>
> A. Oh, it involves a lot of bookkeeping. You have to do it if you want to get nationals. You don't have to do it if you engage the local laborers. * * * The laborers locally so far have been willing to accept employment on the basis of the terms that are offered, so I don't think or see that there is any obligation to offer to the local labor the premium price, you might call it, and advantages that you are obliged to offer to get the supplemental labor that you get from foreign sources.

Michigan Field Crops employs both continental domestic and Puerto Rican workers, yet it too excludes continental-workers from contract arrangements. Again we asked why continental domestic workers, in this instance, Texas-Mexicans, were not accorded contracts comparable to the ones extended to offshore workers. The representative of Michigan Field Crops replied:

> Well, I think the basic answer to that is any contract of that sort is entirely one-sided as to its responsibilities. The worker, if he feels that the grower has not kept his part of the contract asks us [Michigan Field Crops] if he can do anything in the courts of law against the man, who is a property owner and a responsible man, but if the worker himself decides he does not like it, which he does in 50 percent of the cases, our effectiveness is only 50 percent on this, you have no recourse, because the man, if he was silly enough to bring him into the court, would not have anything to collect against anyway. That to me is one of the basic causes of trouble in this whole labor contracting business. You are not dealing with a man who, if he is so minded, can be held to a contract, and the grower feels why should he be held to anything in the way of a contract if it does not mean anything to the one he contracts with.

Again, the Wisconsin Division of the Green Giant Company employs both continental-domestic and offshore workers, yet it refuses to accord domestic workers contracts. When we asked the representative of the Wisconsin Division why it did not extend contracts to domestic workers, he did not answer our questions. Instead, he told us that domestic workers had the opportunity of applying to the United States Employment Service for work.

At our Saginaw hearings, we learned that Stokely Foods, Inc., extends a written agreement to its Texas-Mexican workers which it calls a "contract" but it is not comparable to the contracts which employers extend to Puerto Rican and foreign workers. The Stokely Foods "contract" is for the "harvesting season." "Harvesting season" is not defined more explicitly than the period during which "all agricultural crops for processing and preserving by the company are harvested in the current year." The contract guarantees minimum wages of 55 cents an hour or prevailing wages if these are higher. It provides the cost of transportation from Texas at company expense for those workers who stay until the end of the season. Return transportation, whether during the season or at the end, is a worker expense. In accepting the contract, the worker agrees to perform agricultural work in such States or localities as the company shall designate. If a change in locality of employment during the harvest season is required, transportation expense is paid by the company. No compensation, however, is given for the employment time lost in travel. If the company does not have agricultural work available, the worker is obliged to accept employment with such others as the company arranges.

While the Stokely type of contract represents a definite step forward in assuring employment over a period of time, it does not inform the worker in any precise terms how long this employment will continue. Not only does he suffer the handicaps of not knowing when the season will be deemed to end, but the broad language of "harvest season" permits the company complete latitude of interpretation. The contract is of benefit to the worker in guaranteeing a minimum wage or prevailing wage, whichever is the higher, but it says nothing about minimum earnings. Therefore, the obligation of the employer to provide fully continuous employment is absent. The contract makes no provision for accident or health insurance or for housing. It stipulates company responsibility for arranging transportation and, for those workers who remain until the company declares the "harvest season" at an end, guarantees one-way transportation at company expense.

An Exception—Terms of Employment for Domestic Workers Comparable to Those Extended Puerto Rican and Foreign Workers

Earlier in this chapter, we stated that we had received testimony of one contract offered to continental-domestic workers comparable to the Puerto Rican and foreign contracts. The testimony was from the representative of the Blue Mountain Division (Pacific Northwest) of the Green Giant Company, a company some of whose other divisions claim the impracticality of contracts for continental-domestic workers. To its Texas-Mexicans the Blue Mountain Division offers a nonnegotiated work contract which it calls an "Offer of Employment." It was explained to us that this was an outgrowth of the "Individual Work Contract" which this Division used with its Mexican national workers during World War II. The "Offer of Employment" contains several interesting features. The 1950 "offer" was for employment to commence "on or about" a specified date, and to continue for roughly a 4-month period. It provided for guaranteed minimum earnings of $60 for each 2-week period if the worker remained for the full season. The hourly rate was 75 cents. Board and room arrangements were described and the charge set at $1.75 per day. The "offer" stated that the employer would provide "transportation via designated truck from the recruitment area to the place of employment plus $5 for food enroute." For workers who remained to the end of the season, return transportation under similar arrangements was provided. Workers accepting the "offer" obligated themselves to accept group medical insurance at a charge of 75 cents a week deductible from their pay. Sick leave with pay was specifically excluded. The "offer of employment" was made with the understanding that, when accepted by the worker, "it shall constitute a binding agreement." It was written in English and in Spanish and was signed by the company and the worker.

The employment record which this type of personnel practice has produced is striking. The Texas-Mexicans under this contract turn out to be "reliable" workers. Other migratory workers referred to as "white" who work under the same conditions, live in the same housing, eat the same food, but who are not accorded a contract, are found to be "unreliable." Turn-over rates for Texas-Mexicans and "white" migratory workers were cited to us for several 2-week work periods. The contrast was unmistakable. The record for one 2-week work period was: 7.4 percent of contract Texas-Mexicans left their work; 36.1 percent of other migratory workers left their work. The comparable figures for another 2-week period were 7.8 percent and 40.6 percent, respectively.

The company's representative was hesitant to ascribe the difference to the contract for, as he said, one group was Texas-Mexican, the other group was "white." To us, however, the evidence seems to indicate that the difference is primarily to be explained by the work contract. The record of the Blue Mountain Division of the Green Giant Company indicates to us that when a company treats its workers as employees, rather than merely as suppliers of labor service, workers respond as employees. We believe the way to attract a more reliable type of worker is for the employer to offer a contract which he intends to live up to himself and which he expects the worker likewise to respect.

One reason for the success of the Blue Mountain Division's "Offer of Employment" with Texas-Mexicans is that the company carefully screens the workers who are to be given contracts. On this point the company's representative said:

> As far as contracts are concerned, they are not worth the paper they [are] on if you don't get the right man to sign. The thing I should like to stress * * * is the screening of men before you ever sign them on a contract.

Collective Bargaining

We encountered only two instances of farm employees being covered by collective-bargaining agreements currently in force. One of these agreements was between Local 56, Meat and Cannery Workers, A. F. of L. and a large grower-processor in New Jersey (Seabrook Farms). The other was between Local 413, United Packinghouse Workers of America, C. I. O., and a cane-sugar producing and processing association in Florida (Fellsmere Sugar Producers Association).

In each of these instances, however, collective-bargaining coverage was limited, since the bulk of the seasonal field labor was not specifically covered by the agreement. Nevertheless, in both instances, provisions of the agreements afforded a measure of benefit to seasonal and migratory workers because some of the collective bargaining results were extended to them. Principal among these were rights of promotion from field to plant work and seniority in hiring and firing.

In the Seabrook operation, the explanation by management, of why piecework laborers were not under the contract, was as follows:

> They [the union] can't put the finger on them. They couldn't get a check-off * * * because they are not, as individuals, on our payroll, and they come and go more freely than our hourly workmen, and we are able to permit it because we are only interested in a certain number of baskets being picked a day. * * *

The Union spokesman put it this way:

> It takes a family of three, four, or five to earn the kind of money that has been reported they earn under a one-card system. We could not certainly take in our union children 6 years old and 8 years old, and would not permit them to work. As a result, the breadwinner of the family resents union organization because that is the only means of making the money he does make when all the family help.

Whatever the handicaps in organizing field workers in agriculture, attempts at unionism have been made in the past and are proceeding at present. Most of the efforts have been strongly resisted by farm employers. In the two cases cited in this discussion, union recognition was given reluctantly. Seabrook explained the basis of their recognition of the union as follows:

> They had the organization, there was no doubt about it. I think our thought was that if Mr. Ford couldn't beat them [the unions], we couldn't either.

Following recognition of the union as collective-bargaining agent and the commencement of effective collective bargaining, however, the attitude of the Seabrook Farms Company toward the union has substantially changed. Seabrook's testimony was as follows:

> I don't think we have suffered any from it. We happen to be dealing * * * with quite respectable unions that have very reputable leadership, and we haven't been subjected to any wildcat strikes.

Similarly, the reaction of the representative of the Fellsmere Association was:

> You have to admit that the union does perform a job for you that [the company] would have to employ people to do for you to maintain labor relations. It makes for more economical operations. There was a time when I didn't think that was so, but I have found out it is true.

It is notable that out of collective-bargaining experience, the employer in both of these instances has come to appreciate the value which union organization can have in contributing to effective management of its enterprise's. Seabrook's testimony on this point was:

> We have had excellent cooperation from our union in the matter of absenteeism because they realize it affects the employment of so many other of their own members. * * * Anybody who regularly deals with labor would be foolish if they didn't call on the union on all sort of problems, and we get good help from them, whether it is for collecting for the Community Chest or whether it is too many damaged cartons or too much spinach being spilled on the highway.

Furthermore, union organization has been found by experience to build a channel of employer-worker communication which does not exist when employees have no coordinated means of expression. For Seabrook, the testimony on this point was:

> We have one advantage that was a great advantage during the war—that our people were represented by (spokesmen) who came to us and told us what they wanted, whereas other (employers) that I know were in the unfortunate position of never really knowing what their (employees) wanted and what they could do to keep (them) and so forth.

In addition to contributing to orderliness in making management policies effective, union organization has been found to supply ideas not previously introduced by management. For example, when asked, "Do you have a formal on-the-job training program?" the Seabrook representative said:

> Yes, we do, and we are regularly upgrading people. Again we might not have been as good at it if the union had not suggested it in the first place, but it is now obviously a good idea.

Further, the union within its own organization provides an opportunity for the emergence of leadership. Note the Seabrook testimony on this point:

> * * * we are constantly promoting the leadership and people who I don't think we would have realized were good leaders become good leaders because they started out as stewards and committeemen and got used to being on their feet and talking, and we discovered they were good foremen * * *.

It is noted also that in the collective-bargaining process the employer has found it possible to meet some of the requests of employees that previously had been thought difficult if not impossible. For example, the Seabrook spokesman in referring particularly to their contract provision of a 4-hour minimum daily guarantee for processing-plant employees when called to work, stated they now scheduled their activities with considerable care, adding further:

> I think we do it a lot more carefully than we might have done if we had not been forced to do it, but now it seems easy.

Notwithstanding these instances of the value of bargaining as a means of introducing order and regularity in employer-worker relations, farm employers are generally not convinced of the potentialities of collective bargaining as a contribution to the solution of management's problems. Employers in other industries, while perhaps no more convinced in the beginning, have found from experience that balanced organization on both sides assists in getting an adequate and reliable labor force from domestic sources, in reducing labor turn-over, and in handling on-the-job relations.

That union organization of farm workers has not progressed is probably due largely to the instability of composition of the employee group and to the irregularity of employment. But it is due also in part to employer resistance.

The Commission is convinced that balanced organization and effective collective bargaining would be of great assistance not only to farm workers, who would thereby be given a voice in determining wages and conditions of employment, but it would contribute also to more orderly management of labor. In the long run, self-organization is the method by which agricultural workers can best improve their working condition. For this reason, farm workers should not be denied the protection and facilities of the Labor-Management Relations Act.

While extension of the Labor-Management Relations Act is a necessary step, it can hardly be expected to produce of itself sound farm labor-management relations. Both parties need to learn how to develop leadership and to assume their respective obligations. It cannot be safely assumed that all of the approaches to orderly labor-management relations that have been found to work in industry will also work in agriculture. Consequently, the needs for research, study, and thought are great and our educational institutions ought to assume a greater responsibility in this field.

Balanced Organization and Sound Labor Relations Would Eliminate Employment Middlemen

The findings reported in this and in the preceding chapter establish the fact that crew leaders and labor contractors interject themselves into farm employment only where labor relations are not orderly. When workers are employed under contract, these intermediaries disappear for there is no purpose for them to serve. Similarly, as employers organize themselves into associations to make labor recruitment and employment more systematic processes, the roles of the labor contractor and crew leader are lessened if not entirely eliminated. That balanced organization of employers and workers and the initiation of orderly labor relations would eliminate these intermediaries and the sweatshop conditions that are frequently associated with them, hardly needs elaboration.

RECOMMENDATIONS

We recommend that:

(1) The Agricultural Extension Service, through its Federal office and in those States where migratory labor has significant proportions, make instruction in farm-labor management and labor relations available to farm employers and to farm employees. The Agricultural Extension Services should also make available advice and counsel for organizing farm-employer associations similar to those sponsored during World War II, which associations should have the purpose of pooling their joint labor needs to promote orderly recruiting, better employer-worker relations, and more continuous employment.

(2) The Labor Management Relations Act of 1947 be amended to extend coverage to employees on farms having a specified minimum employment.

Chapter 7

Employment, Wages, and Incomes

A migratory farm laborer gets his work in bits and pieces, here and there. This process of thousands of workers piecing out a year's work by moving from place to place has come to be known as a migratory labor "pattern." The crews from Florida who migrate north along the Atlantic coast through the Carolinas and Virginia into New Jersey, New York, and even New England represent one such pattern. Another is the "Texas-Mexican" migration out of Texas through Arkansas and into the Great Lakes States. These are currently regarded as the principal migratory patterns, but there are many minor ones.

In describing migratory labor patterns, it has become the practice to list the amount of work which is supposed to be available along the route. For example, the Atlantic seaboard pattern is said to have employment potentialities as follows:

1. Florida—vegetables, citrus, potatoes—January to May—125 days.
2. North Carolina—potatoes—June—20 days.
3. Virginia—potatoes—July—20 days.
4. New Jersey—potatoes—July—20 days.
5. New York—potatoes, fruit, vegetables—July, August, September—70 days.
6. Maine—potatoes—September, October—30 days.

Comparably, the estimated employment potential of the Texas-Great Lakes States migratory pattern is said to include the following:

1. South Texas—vegetables, citrus—December to May—140 days.
2. Arkansas—strawberries—May—20 days.
3. Michigan—sugar beets—May, June, October—50 days and 30 days.
4. Michigan—cherries—June, July—50 days.
5. Wisconsin—cherries—July, August—20 days.
6. Michigan—peaches—August—20 days.
7. Indiana, Ohio—tomatoes—August, September, October—45 days.
8. Mississippi Delta—cotton—September, October, November—80 days.
9. Texas—Cotton—July, August, September, October, November—120 days.

In either of the above cases and in other similar ones, it would appear to be feasible for a migratory worker to get at least 200 days of employment in a year. As a matter of fact, however, the average migratory worker in the United States in 1949 got only 70 days of farm employment. Many explanations have been offered for this wide discrepancy between potential and actual employment.

Suppose we let the migratory workers themselves and their crew leaders explain:

Crew Leader "A" From Florida—Workers in Crew—70

Q. What time of the year did you go north up to Hendersonville [North Carolina]?

A. It was the 3d of June. * * * I stayed there the whole summer. * * * I was on the beans.

Q. When did you leave Hendersonville?

A. Around, it was the 9th of October.

Q. Did you get pretty steady work for your whole crew on that?

A. Reasonable. For 6 weeks we had pretty steady work and we had, you might say, nothing since then.

Q. What were you doing in August and September?

A. You might say nothing. Just scarcely getting along, just getting by.

Q. How did your gang make out?

A. They did better than I did, I didn't make enough to make expenses.

Q. Before, have you gone farther north or to some other place than Hendersonville?

A. No, sir.

Q. This is your regular deal, then?

A. Yes; that is right.

Q. Before this year did you do pretty good on this deal?

A. We haven't did any good in 3 years. In 3 years we didn't do much good either year.

Q. Did you try to get the North Carolina Employment Service to help you find some other place to go in August and September when you didn't have much to do?

A. I checked with them. As long as there is little work to do there, they are not going to turn you loose, more especially if you have a crew.

Q. Where you were, there was almost no work in August and September?

A. Practically no work; the rain fell so heavy it pretty near drowned the crop out * * * It hasn't been so hot for 3 years.

Q. Do you figure on going up there again next year?

A. Well, I am not definite because I tried it three times and I don't know whether I am going to take that chance again.

Q. Have you had the same people (crew) the last 3 years?

A. Just the same number, not the same people * * * pretty near a new crew every year.

Crew Leader "B" From Florida

Q. Do you want to go ahead and tell us a little bit about how you work with crews; where you work; and so on?

A. I stopped the first time—it was Elizabeth City, N. C. I was working in potatoes there [at Belcross]:

Q. How many people did you take along up there?

A. Well, about 50 * * * I have two trucks—the 2-ton is a 1948 and the 1½ is a 1940 * * * I worked in potatoes.

Q. When you left here and started up there did you have that job already lined up?

A. That's right * * * The man I was working with, he got in contact with me last season when I was upstate. He told me to bring a crew.

Q. And you were there on this deal at Belcross for a week or 2 weeks?

A. About 3 weeks I was there * * * but out of the 3 weeks, I didn't work the whole 3 weeks, you see, we were there about 4 or 5 days before we started to work.

Q. How did you happen to get there 4 or 5 days ahead of time?

A. Well, the cold weather set the potatoes back. I got a telegram from [the employer] and he told me to leave on the 12th of June. * * * After I got there, the potatoes was late; the cold snap set them back * * * Either the 9th or the 10th [of July] I think I left there.

Q. Then where did you go?

A. Hamilton, New York.

Q. To work in beans?

A. That's right.

Q. Was the work ready to go when you got there?

A. It was kind of scraping beans—it wasn't too good. They had a frost up there and the frost knocked the beans way back.

Q. Did you still have about the same bunch of people?

A. Well, no; some of them left, went with a different crew in Belcross. * * * I had about * * * 37 working people after I got there.

Q. You said when you got up to Hamilton, New York, the beans were not so hot?

A. When we got there, it wasn't.

Q. Did it improve later on?

A. It did.

Q. How did you make out during the year?

A. Well, it didn't pay me this year so good. We had a little rain up there right on the last of the season which knocked a great deal of our beans to the ground. It drowned them out, and that cut us out.

Q. Did the crew come back with any money?

A. I didn't bring very many of my crew back; most of mine stayed up there. * * * About 8 [came back].

Crew Leader "C" From Florida

Q. What portion of the year do you spend down there [in Florida]?

A. We spend January, February, March, April, and May [in Florida] and June we begin to come up and start in North Carolina, and we spend about 1 month there. Then we leave there and come to New

Jersey, and we spend about 3 months here, I guess, in Cranbury. We leave and we go to eastern Maine [Aroostook County] and spend about maybe a month and a half over there.

Q. Has your crew made enough money here in Cranbury so that they can buy their own meals on the way up [to Maine]?

A. Not this year; I don't believe so. The farmers just haven't been digging potatoes this year—couldn't sell them. Most of the crew been sitting down practically all year * * * we haven't worked but a half a day at a time. * * * They are making enough now to get groceries, but when we first come to New Jersey they ordered us up here a little bit too early.

Q. How long did you have to wait for work?

A. Two weeks.

Q. What do the members of your crew do when they get back to Florida?

A. They works in celery, oranges and lettuce and vegetables, and so on like that.

Q. Have you got any other suggestions that you want to make?

A. Well, * * * I think a fellow ought to be able to make enough money in order, if he had children, that he could school his children * * * without having to work them sometime and keep them out of school. * * * The next thing about it, even at the wages they are paying, if they work the people regularly enough they could do better than they is doing. But take most of the people, they are just working 2 or 3 days out of the week.

Worker "A" From California

Q. Tell us what you did when you went back to Imperial Valley?

A. When I went back to Imperial Valley (from Salinas, in 1949) * * * I tried everywhere (to find work). I even worked for 40 cents an hour and was unable to get jobs.

Q. What kind of work were you doing for 40 cents an hour?

A. Irrigating, and also thinning beets. Once in a while I would drive a tractor. * * * I have done mechanical work in garages—mill work. * * * I have never refused work of any type regardless of wages. I work for particular men and do anything from hoeing beets to truck driving, tractor driving, all kinds of work they may have.

Q. About how much work have you had in the past year in Imperial Valley?

A. I worked 6, 7 months out of the year.

Q. I take it from what you said earlier that you had a stable job in Imperial Valley before you left. Do you feel that there is no such work available (there) any more?

A. Some have promised steady jobs, and * * * for some reason—my union activities—I have been discharged from such work * * * I am now president of the local.

Worker "B" From California

Q. What will you be doing the rest of this year?

A. Right now [mid-August] there is a lag season. There [are] any number of workers right now that [are] absolutely without jobs. They will go from place to place. The father of the family will go with a group of men in the car and they will travel from here to Marysville or clear on up to the upper section of California into the sawmills where they will be politely turned down.

Q. What will you be doing the rest of this year? * * * Will you work at cotton picking?

A. Yes. * * * After the cotton harvest, which runs practically into December, why then you still have those potatoes. * * * After that there is a lag season of 3 months in which you actually do nothing, or try to get a little county work. * * * You go out and bush stumps * * * and cut bushes * * * things like that * * * where you receive 50 cents an hour.

Q. Can you estimate about how many days of work you * * * are able to get?

A. An over-all average of about 7 months of some type of work.

Q. That is the equivalent of about 7 months' full-time work?

A. Not exactly full time, because of the fact that I might go to work Monday morning with one contractor, and of course if he has a surplus of labor it is possible we might finish that particular field within a half a day. Then I will go and search for other contractors, and he might have 3 days' work, and if he has a surplus of labor that would automatically last for a couple of days * * *

Q. Can you estimate * * * about how much you would make in the course of a year?

A. * * * I would be able to average around 500 or 600 at the very most.

Worker "C" From California

Q. Will you please go ahead and give us your statement?

A. Most of the time I am working in * * * the Salinas area. I * * * do cutting and thinning of potatoes and sugar beets, and that is all. * * * I started in cutting celery in February. * * * Sometimes I work in March.

Q. Can you estimate how much work you get there in a year?

A. I think that I work around 6 or 7 months in the whole year.

Q. How much do you make?

A. In the whole year we make—well, not over $700.

Q. How about getting your jobs?

A. Most of the time we work with the contractors.

Q. Do you find that satisfactory?

A. Well * * * they know me pretty well, and when they get opportunities to give me a job they do that. But they prefer single people most of the time.

Worker "D" From California

Q. Would you like to trace a year's work?

A. We start about in late April. The Valencia [orange] season starts in Tulare County. That lasts pretty well, usually up until June. Around the first of July, I leave there and go to the Sacramento River and work in the pear houses. The pear harvest in that area is the first pears that ripen in California. * * * That usually lasts around 3 weeks. There is usually also a time right in there in Lake County—a week or so—and then pears start in other places—Tulare County, Santa Clara County. * * * The pear harvest will last usually pretty well into September, and then the walnuts start. * * * And then I return home in October, and the olive crop is about to start. * * * Early in November we have another orange crop season. That usually carries through until the middle of January. [Note: With the exception of "some little pruning in citrus and grapes in March," the witness typically has no work from mid-January to late April.]

Q. How much are you individually able to earn during the year on this migratory cycle that you follow?

A. I would say between $1,800 and $2,000. * * * It has been talked of here a great deal about wetbacks and Mexican Nationals. Last year in our area * * * we also had another problem. * * * The cotton harvest was over a little earlier than usual and it threw a lot of people out of employment. A lot of them didn't have houses and no place to stay and no work and it was very difficult to get any relief from the Board of Supervisors. And then they moved in something over 300 "displaced persons" and put them in the citrus groves picking fruit. * * * The sponsors * * * maintained that they were not displacing any American workers. * * * Nevertheless, there were 300 familes who could have been working if these people hadn't been there.

Worker "E" From California

Q. In the past 4 years * * * what have you been doing?

A. Well, cotton, peaches, apricots, and onions. * * *

Q. How much work do you get during the year from each of these jobs? How much in cotton chopping?

A. About a month.

Q. In cotton picking.

A. Sometimes from the 15th of September until about the last of December.

Q. You work almost every day?

A. Well, no * * * because * * * we will have winter months when we have rain, and sometimes that would keep us out of the fields.

Q. Would you estimate * * * that you pick * * * three-fourths of the time?

A. Yes, sir.

Q. Let's go to peaches. * * * how much work would you get thinning?

A. About 2 weeks, 3 weeks.

Q. And picking?

A. The same.

Q. Apricots?

A. About 2 or 3 weeks.

Q. For thinning?

A. * * * the same [on picking].

Q. How much work would you get in onions?

A. This year we got about 5 weeks. (Note: Total time worked is roughly 7 months.)

Q. How much do you earn in a year?

A. In the neighborhood of $600 to $700, probably a little better, more or less. * * *

Q. Have you ever tried to get a job directly from a farmer?

A. Well, no, sir, because I have seen it. It is next to an impossibility. You go to a farmer and they say, "Well, we already got this work engaged to such and such a contractor. Go and see him." * * * When I saw it was impossible, I just dropped it and from then on I make contacts with the contractors.

Worker "F" From Colorado

Q. Start off and tell us what you would like to tell us, and then I want to ask some questions.

A. They say, "Why do all the Spanish come from Texas to work here?" Some of the reason is this: I live in Laredo, Texas, and we don't have much to do down there except November and December, and then through to April, and we hear about the beets, and the Mexican fellows, they have to go some place to work and make a living. Well, that is why we come to Colorado. Some go to other places just to make a little money and then go back to Texas. Anyway, it's the same thing. They have a lot of family. They go back to Texas, and they have $200 or $300. Well, in about 2 or 3 weeks, they run out of that money and that is serious, and they are in the same spot.

Q. When did you come to Colorado this year?

A. This year about 5 or 6 weeks ago.

Q. Are you working in the beet fields?

A. Bean fields.

Q. Why didn't you work in the beets this year?

A. A lot of reasons. My wife has been sick at home, and I couldn't come in April. * * * I have a lot of contracts * * * and I have to work with my truck and find something to do. * * * and I make $8 or $10 a day, and it costs me about $5 a day to fill my kids. * * * I don't have much money to save and about every 5 or 6 months I have to spend $200 or $300 to dress up the kids. I have to find a little bit to do with my truck and save $400 or $500 in 2 months. * * * Then I go back to west Texas or San Luis Valley, or somewhere.

The Statistics and Their Implications

In 1949, the average migratory farm worker of the United States, according to a survey of the United States Department of Agriculture, got 70 days of farm work and 31 days of nonfarm work, making a total for the year of 101 days. Average annual earnings of the individual migratory farm worker from both types of employment were $514.

These averages are for both farm and nonfarm employment and include everybody 14 years old and over. Almost one-third of the migratory workers are women, and their average total employment is 68 days (50 days farm and 18 days nonfarm), whereas the average for men is 116 days (79 farm and 37 nonfarm). Between one-fourth and one-fifth of the migratory workers are between the ages of 14 and 17, and these youthful migrant workers as a group work an average of 75 to 80 days per year in both farm and nonfarm employment. Even though the employment of women and youth may be incidental, it must be noted that their employment is more than half that of men in the mature-age group, because men between 35 and 55 work only an average of 118 days per year.

By excluding those who worked only short periods (defined as 25 days or under), the average employment of the more continuous workers is 135 days for males and 82 days for females.

These statistics indicate that family work is an important characteristic of migratory farm labor. It is notable that in the migratory labor force there are as many males 14 through 17 as there are 18 through 24. There are as many males under 18 as there are 45 and over. The significance of these age comparisons is that the able-bodied males all work, when there is work to be had.

That family work is a characteristic primarily associated with the type of employment and not with migrancy as such is demonstrated by the fact that the proportions of females and youths among nonmigratory farm workers is about the same as among the migrants. In fact, the employment experience of those who are nonmigratory is remarkably like that of the migrants in many respects. The nonmigrant farm workers depend on nonfarm work to about the same extent as do the migrants, each group averaging, roughly, 30 days per year. Further similarities between migrant and nonmigrant farm workers, as well as some interesting differences, are disclosed in comparisons of the work status of each group at the end of the year (in this case, December 1949). The comparison is as follows:

Labor-force status in December 1949	Migratory workers	Nonmigratory workers
	Percent	*Percent*
Total	100	100
In the labor force	71	72
Employed in agriculture	35	51
Employed in nonagriculture	23	16
Unemployed	13	5
Not in the labor force	29	28
Keeping house	12	13
In school	13	11
Other	4	4

The similarities are that about the same percentages of workers withdrew from the labor force—to housekeeping or to school, or for other reasons. The contrasts are that a far larger percentage of the nonmigratory farm workers were still employed in agriculture whereas migratory workers tended in large proportions to be employed in nonagriculture or to be unemployed.

While the work experiences of migratory and nonmigratory farm workers are parallel in many respects, there are contrasts to be noted. A far larger proportion of the nonmigratory workers are employed only 25 days or less. This means that although the wives and youth of nonmigratory farm-labor families do work, the work of many is less continuous than is that of the wives and youth in the migratory families. Eliminating from average employment experience those who worked only 25 days or less, there appears the following sharp comparison for 1949 as between migrants and nonmigrants:

	Average days of employment	
	Migratory workers	Nonmigratory workers
Farm employment only:		
All workers	70	91
Those working 25 days and more	89	148
All employment (including nonfarm):		
All workers	101	119
Those working 25 days and more	120	173

The significance of these comparisons is that, in the nonmigratory as compared with the migratory situation, the principal breadwinner works much more continuously and the supplemental work of youth and housewives is considerably more incidental.

Three times as many nonmigratory workers get 300 days or more of employment as compared with the migratory group and twice as many get 250 days or more of employment. The longer employment which nonmigrants get is primarily in farm work. Migratory workers get more nonfarm work than do nonmigrants. When employment is measured for only males who worked 25 days or more during 1949, the comparative employment picture is as follows:

	Average days of employment	
	Migratory	Nonmigratory
Farm work	98	165
Nonfarm work	37	25
All work	135	190

Wages and Earnings

While the migratory worker obtains less farm employment than does the nonmigratory worker his rate of earnings per day at farm work is somewhat better. On farm work the average was $5 per day for migrants as against $3.90 for nonmigrants (1949). This is to be explained principally in the piece-rate earnings of migrants, which, per day, are somewhat better than the daily or hourly rates more commonly paid to nonmigrants.

Summarizing the earnings of male workers employed 25 days or more in farm work, the comparisons are as follows:

	Migratory		Nonmigratory	
	Per day	Per year	Per day	Per year
Farm work	$5.60	$549	$3.95	$655
Nonfarm work	5.20	190	6.65	163
Average or total	5.50	739	4.30	818

Since the women and children of migratory families work more days per year than do those of nonmigratory families, the annual gross earnings of migratory families are probably higher. Unfortunately, no recent information on family earnings for either migratory or nonmigratory labor is available. It is doubtful, however, if the earnings of the migratory family are enough higher to offset the cost of migrating a hundred to a thousand miles. This cost must run fairly high even when it is in a crew leader's truck. A crew leader testified, for example, that although he did not "charge" his workers for their ride, the "help on the gas" from Florida to South Carolina was $8 per head. When the migratory family runs its own automobile or truck, the cost of migration is even higher.

Since nonmigratory workers receive perquisites of higher average value than those available to migratory workers, the net advantage in expendable income undoubtedly lies with the nonmigratory families even though they must have more days of employment at lower daily earnings to realize that income.

In summing up this comparison of employment and earnings for migratory and nonmigratory workers, the similarities are more obvious than the differences. Both are underemployed. In both cases, women and youth are drawn extensively into employment. The numbers of women and youth who work are about the same in the two cases but the amount of time spent in employment is much greater for the women and youth of migratory families. Earnings per day are below prevailing standards. This fact, in combination with the limited employment, explains why women and children have to work so extensively in both migratory and nonmigratory farm labor families.

This analysis of the employment and earnings of migratory and nonmigratory farm labor suggests that for the migrant to settle down as a nonmigratory farm laborer will not help him much financially.

Farm Wages: A Widening Inequity

The wages paid to migratory farm workers are usually piece rates based on such units as hundredweights, hampers, or boxes. In preharvest work, wages for hand or "stoop" labor are often on the basis of rows, acres, or thousands of plants. Regularly employed farm workers are ordinarily paid on a monthly, weekly, daily, or hourly basis. Hand labor tasks on which migratory laborers are employed also are paid on an hourly basis. This becomes increasingly the practice as the harvests are mechanized and it becomes difficult or impossible to keep a count of the work contributions of individuals.

Piece rates are frequently changed and adjusted to reflect the conditions of the particular job. If weeds, poor yields, or other such factors make the work difficult and slow, piece rates may be adjusted upward. On the other hand, when conditions are more favorable than usual, the piece rate may be lowered. Either way, the adjustments are intended primarily to reflect the earning capacity of the particular field or job.

Piece rates and rates per month, per day, or per hour are related to each other because their magnitudes and changes are influenced by the same forces. They are also related because of the fact that they are paid concurrently on the same farms and in the same farming localities. The close relationship of rates per unit of time and rates per unit of output is confirmed in the similarity of earnings of migratory as compared with nonmigratory farm workers. While the earnings per day of the nonmigratory workers were less than those of the migratory, the greater number of days of employment of the nonmigratory workers resulted in substantially equal annual cash earnings.

Piece rates and rates per day or per hour have in common the fact that both are largely influenced if not entirely determined by the practice of farm employers meeting and setting a so-called prevailing wage which they feel is appropriate for the forthcoming season. Sometimes these meetings to discuss wages are called hearings or wage conferences, but according to the testimony given us, it is seldom that anyone participates other than farm employers.

In addition to the ability of farm employers to influence or determine wage rates through their various organizations, they also have the opportunity to influence the labor supply to a very considerable extent through foreign labor programs and interstate recruitment. This, too, has a significant effect on wage rates.

In contrast, migratory farm laborers, like all hired farm labor, have had little opportunity to participate effectively in influencing the wage rates they receive. Only in exceptional instances has there been anything approaching joint determination of wage rates through collective bargaining. The migratory worker is under the harsh necessity of seeking other employment if he does not like the wages or conditions set by the employer. The illegal alien has even less bargaining power than the domestic migrant, for if he does not like the wages or working conditions that are set for him, and protests, he is subjected to discipline and possible deportation.

The consequences of these unequal opportunities of employer and worker to take an effective hand in the determination of wages are reflected in the changes that have been occurring in farm wages as compared with wages in nonagricultural employment. Comparing the hourly earnings of farm laborers and factory workers we find that during 1910–14, the period selected by Congress as the base for the farm parity price system, farm wages were two-thirds of factory wages. Today, they are only a little over one-third.

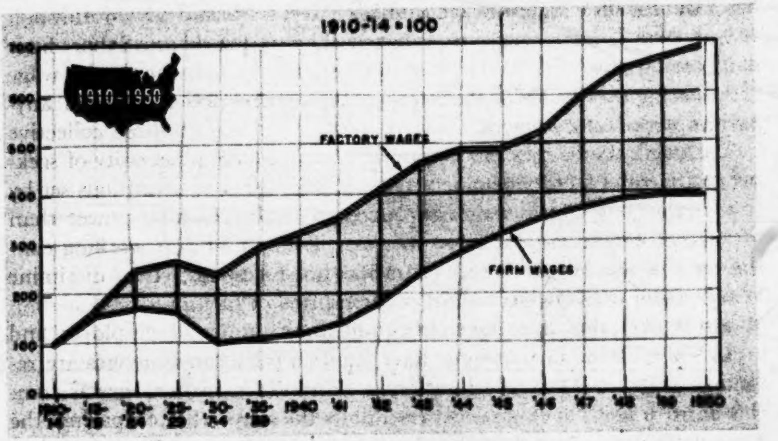
The comparative changes in farm and factory wages are set forth in charts IX and X. The actual average hourly earnings of farm and factory workers are as follows:

Year	Average hourly earnings (in dollars)		Percent, farm wage of factory wage
	Farm workers	Factory workers	
			Percent
1910–14	$0. 14	$0. 21	67
1915–19	. 22	. 34	64
1920–24	. 24	. 52	47
1925–29	. 23	. 55	41
1930–34	. 14	. 50	29
1935–39	. 15	. 61	25
1940	. 16	. 67	24
1941	. 19	. 73	26
1942	. 25	. 85	29
1943	. 33	. 96	34
1944	. 39	1. 02	38
1945	. 44	1. 02	43
1946	. 48	1. 09	44
1947	. 51	1. 24	41
1948	. 54	1. 35	40
1949	. 55	1. 40	39
1950	. 55	1. 45	37

CHANGES IN WAGES PER HOUR

• Farm • Factory

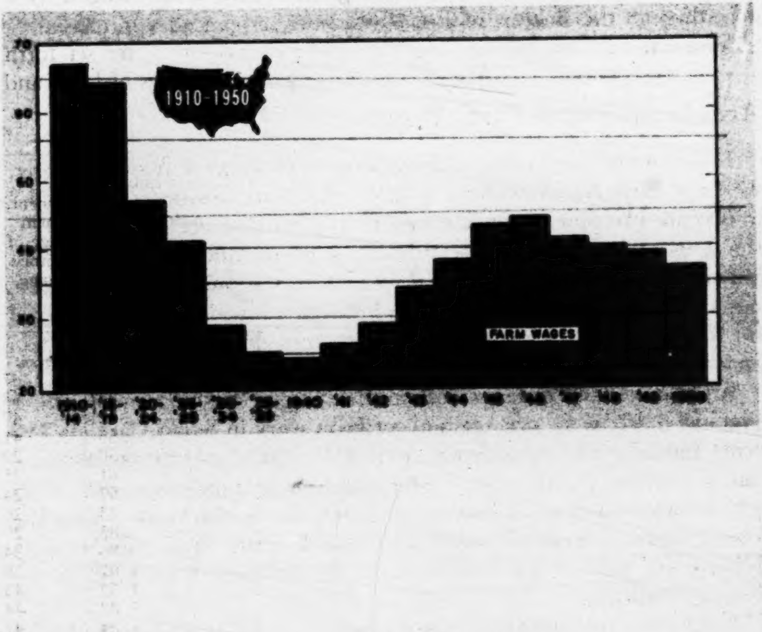
Chart IX



FARM WAGES

as a Percentage of Factory Wages

Chart X



Several significant conclusions stand out from the above wage comparison. Summarized, these are:

1. By parallel increases from the 1910–14 "base" period through World War I, farm wages maintained their relationship of two-thirds of factory wages.

2. During the decade of the twenties, farm wages deteriorated by comparison with factory wages.

3. During the thirties this deterioration continued, farm wages falling to one-fourth of factory wages.

4. In the forties, farm wages improved relatively, reaching a maximum in 1946 of 44 percent of factory wages. Even at 44 percent, however, the ratio of the World War I years was not regained. During World War I, farm wages were well over three-fifths of factory wages; during World War II, they were less than two-fifths.

5. Since 1946, farm wages have again deteriorated in relation to factory wages. This deterioration is primarily explained by the fact that farm wages have remained essentially the same while factory wages have increased. Nor does this deterioration take account of the sharp increase in the cost of living between 1946 and 1950. The meager wages of farm workers increased only 14 percent, while the cost of living, according to the Bureau of Labor Statistics, advanced approximately 23 percent.

Area Inequities in Farm Wages

In the above comparison of farm wages and wages in manufacturing, we have used Nation-wide averages. But Nation-wide averages tend to obscure variations from one area to another that are particularly extreme in agriculture. These differences are of much significance, not only because they reflect unequal returns for the same or similar work, but also because of the close relation between low wages and the demand for foreign labor. This relationship becomes clear in the light of data on wage differentials by areas.

An average hour of farm work in the State of Washington pays three times as much as an average hour of farm work in South Carolina (95 cents and 33 cents, respectively, in 1949). Such an extreme differential is consistent with a long established geographic wage pattern in which farm wages are higher to the North and to the West. Thus the lowest wages, except for areas of wetback traffic near the Mexican border, are paid in the Southeast, while the highest are paid in the Pacific Northwest.

Unlike nonagricultural industry where geographic wage differentials are becoming progressively narrower, there is little tendency for such differentials to level out in agriculture. In the East South Central States, the farm wage in 1910–14 was 32 percent below the national average of farm wages; by 1949, the farm wage of this region was virtually unchanged at 31 percent below the national average. At the other extreme, the 1910–14 average farm wage on the Pacific Coast was 52 percent above the national average, and by 1949 had further risen to 64 percent above the national average. Thus geographic differentials in farm wages have actually widened, as may be seen in the following table:

Region	Average farm wage rates per hour		Percentage, each regional wage rate above or below the national average wage	
	1910–14	1949	1910–14	1949
New England	$0.15	$0.66	+23	+20
Middle Atlantic	.14	.61	+30	+11
East North Central	.13	.59	+25	+ 7
West North Central	.14	.65	+40	+18
South Atlantic	.09	.42	−31	−24
East South Central	.09	.38	−32	−31
West South Central	.11	.51	−16	− 7
Mountain	.16	.66	+48	+20
Pacific	.21	.90	+52	+64
United States	.14	.55	....	....

It appears to us significant that the regions in which farm wages are well below the national average and have been so for 40 years are those regions containing the States in which the major portion of the postwar foreign labor contracting has centered. Florida has been the principal user of British West Indian contract labor and Texas has been the principal user of Mexican contract labor. Both States have wage rates much below the national average. We cannot, therefore, escape the conclusion that demand for foreign labor in these States is in part, at least, due to the desire to keep low wages from rising.

Farm Labor Incomes Are Substandard—Notwithstanding Perquisites

Although one often hears of the high wages that migratory workers can and do earn, careful examination into the facts suggests that such reports are subject to a number of qualifications. For example, the reported earnings apply to better than average workers; or, the reported earnings apply only at the peak of the season and not to the less favorable days at the beginning and the end; or, the earnings that were reported as those of a worker were actually earned by a family work unit with several members contributing. Sometimes, the earnings of packing shed workers are discussed as though they were representative of field workers. Reports of high earnings seldom stand up as typical when the particular instance is brought into the perspective of the whole.

Annual earnings of farm workers as compared to factory workers are even worse than is suggested by the relative wage rates above because factory workers get more continuous employment than do farm workers. Whereas average cash earnings of factory workers in 1949 were $2,600, average earnings for both migratory and nonmigratory farm workers were only slightly more than $500. Thus while average factory workers' wage rates were 2½ times average farm wage rates average annual factory earnings were 5 times average farm earnings.

Farm workers, it is true, have an additional source of income in the perquisites furnished by their employers—usually housing and transportation. But, as we have seen, migratory farm workers have fewer perquisites than the year-round farm employees. The value of perquisites given to migratory workers was estimated by the United States Department of Agriculture to be an average of 36 cents a day. For the 101 days of employment per year of the average migratory worker, this would amount to $36. On the other hand, industrial workers have recently gained important perquisites. These include such items as retirement benefits, sick benefits, holiday pay, and vacation pay which average $120 per year and are increasing.

When all of the factors that enter into making incomes—constancy of employment, wage rates, and "perquisites"—are put together, the comparative situation of agricultural workers and factory workers is as follows:

	Migratory farm worker	Nonmigratory farm worker	Worker in manufacturing
Average days of work 1949	101	120	250
Average rate per day	$5.10	$4.40	$10.40
Cash earnings per year	514.00	520.00	2,600.00
Value of perquisites	36.00	60.00	120.00
Total earnings	550.00	580.00	2,720.00

RECOMMENDATIONS

We recommend that:

(1) The Congress enact minimum wage legislation to cover farm laborers, including migratory laborers.

(2) State legislatures give consideration to the protection of agri-

cultural workers, including migratory farm workers, by minimum wage legislation.

(3) Federal and State unemployment compensation legislation be enacted to cover agricultural labor.

(4) Because present unemployment compensation legislation is not adapted to meeting the unemployment problems of most migratory farm workers, the Federal Social Security Act be amended to provide matching grants to States for general assistance on the condition that no needy person be denied assistance because of lack of legal residence status.

Chapter [illegible]

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Chapter 8

Housing: "Reasonable Protection Against the Weather"

Housing, or the lack of it, is of basic significance to the problem of migrancy. During the crop period it represents one of the major conditions of employment; at the home base, it directly contributes to rootlessness and irresponsibility. Because housing and the problems associated with it are markedly different in the periods of the year when migrants are traveling, as compared with the periods when they are "at home," we are treating the two separately.

By the expression "housing while on the job," we refer to the housing arrangements attaching to the locations of employment where migrants are working away from "home." By the expression "housing at the home base," we describe the housing arrangements in the locality where the migrants usually remain the longest portion of the year, which, for the most part, is where they spend the winter months, and where they have the greatest feeling of "belonging." In numerous instances "on job" and "home base" situations merge. Typically, however, they are distinguishable.

Whether furnished by the employer or otherwise acquired by the migratory laborer, housing needs vary in accordance with the social and economic characteristics of the migrant. Family groups, which make up the majority of the migratory workers, obviously need housing appropriate to families, but they are seldom in position to buy or rent more than the very minimum of housing or to require that employers furnish it as a condition of accepting employment. Single men, who in the domestic force are few, require simpler housing. The other and larger group of single men, who are alien labor, are imported and employed under contract, and presumably are housed by employers in accordance with the terms of their agreements. Finally, there are the illegal Mexican aliens, fewer in numbers than the domestic family migrants, but more numerous than the total of all the others. Wetbacks are here, both as singles and as families, but, because of financial incapacity as well as legal disability, they are not characteristically in position to demand housing fit for human habitation.

HOUSING WHILE ON THE JOB

Labor Camps

On-job housing consists of barracks, cabins, trailers, tents, rooming houses, auto-court cabins, shack houses, and, on occasion, depreciated standard housing. Regardless of the type of facility, when the units are grouped for two or more families, they are commonly called "camps." Ownership of camps may be by employers, employers' associations, local housing authorities, labor contractors, or private commercial groups. Some are merely squatter camps of which ownership is of no consequence.

Much, if not most, of on-job housing of migratory farm labor in the United States is below minimum standards of decency. While this type of housing may be better in one region than in another, the noteworthy point is that whether it is "good" or "bad" housing, it is far below what is considered adequate for other citizens.

Because of the few months usage of most on-job housing and the poverty of the migrant workers, housing generally rated as "good" is nonetheless meager. "Good" on-job housing for a family of four, five, or six members might consist of an unpainted cabin, 9 by 12 feet, one in a row of such cabins, with one or perhaps two screened windows (though not necessarily with glass) and with unfinished interior walls. The cabin would be equipped with bunks, chairs, and table. It would be fairly clean and free from vermin. The cabin might possibly, but probably would not, have electricity. It could have running water, but this would be unusual. Characteristically, water suitable for drinking would be obtainable from centrally located faucets. Cooking facilities, if existent, would probably be central. Sanitary facilities would be central and clean. In the exceptional case, there would be flush toilets; more often, there would be privies. Central shower facilities would be equipped with hot and cold water. In the better camps, there would be facilities for laundering, though such are not required for a camp to be classified as "good." In a "good" camp, there would be receptacles for garbage which would be regularly emptied, or, if there was a central garbage pit, this would be located at a distance from the cabins. There would be neither garbage nor debris scattered about on the grounds which would likely be bare earth. There would probably be no trees about the cabins so that during the summer months the cabins would be fully exposed to the sun. This, to repeat, would be a "good" camp.

To be "good," a camp is not required to have any provisions or facilities for recreation but it might be located within walking or driving distance of a community center where there would be facilities for recreational activities. If, by chance, a school was nearby, the children of the migrants could attend. If it was not so located, no alternative arrangements would be made for schooling. No arrangements would exist for the care of the small children of the migrants. Since both parents often work, the children would be left to their own devices or would join their parents in the fields. If, as is usually the case, the camp is located beyond the reach of medical and health facilities, it would be unusual if any arrangements existed for regular visits of a nurse or physician.

A series of such "good" camps, or a single such camp, might, if the migrant were fortunate, be his home from 4 to 6 months of the year. If he were so fortunate, he would be one of a minority, because even in those States that officially inspect and rate their camps, less than one-half of the inspected camps are found to be "good."

Labor Camp Codes

A camp such as has just been described might be constructed by an employer desiring an above-average labor supply. Or such an employer might be located in a State with a good labor camp code. Twelve States have specific laws or regulations on labor camps which house, among other groups, agricultural workers. Four States have regulations applying to specified groups exclusive of agricultural workers; 4 others have somewhat limited regulations applying to all camps; 3 States, while having no regulations, exercise certain administrative control over labor camps; and the remaining 25 do not regulate labor camps in any way.

The mere fact that a State has a code does not mean that its labor camp housing meets minimum standards of decency. The inspection records of California, which has had code regulations of labor camps since 1913, indicate that only a fourth to a third of the camps inspected in almost four decades have fully met the designated minimum standards. One major weakness in the California program is the absence of a licensing requirement. This means that the State has no record of the existence or location of the camps which it is charged with inspecting. This fact was recently pointed out in the Report of the Governor's Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley. At best, inspections in California have covered but a portion of the total camps in the State. For 1950, it is reported that inspections were made of about one-third of the estimated number of camps in the State. The standard of housing in the San Joaquin Valley, where the largest number of migrants are employed, was found to be well below the State average for agricultural workers. The Governor's Committee made recommendations looking to improvements in these respects.

In New Jersey, labor camp inspections under the State code reveal much the same results as those of California. Inspection records for the 3-year period 1946–49 (the New Jersey Labor Camp Code was enacted in 1945), indicate that "approvals on first inspections" were given to less than one-fourth of the camps inspected.

New York does not have a rating basis for its inspection program so that it is not possible to make generalizations on adequacy of its labor camps. Although the State prides itself on its inspection program, which calls for fortnightly visits to all camps housing 10 or more persons, a report of a Long Island community appearing in the New York Times, November 26, 1950, indicates that the problems attaching to migrant housing have not yet been fully met in New York. This report began, "The recent death of two children in a fire in a 12-by-20-foot former chicken coop occupied as living quarters by 14 persons has aroused this farming community to action on the problems created by migrant farm laborers."

Housing—An Aspect of Labor Supply

Housing while on the job is supplied principally by the farm employer. If an employer is able to obtain a labor supply without provision of housing, his reaction is likely to be "so much the better." The extent to which an employer is obliged to supply housing in order to get workers varies with the worker's race, nationality, and legal status.

The group in the least advantageous position to make housing a condition of employment is the Mexican wetback. Inasmuch as he is in the country illegally and subject to deportation, he has to take what work he can get, housing or no housing. Striking testimony on the relation of housing to the problems of labor supply generally, and the wetback in particular, was given the Commission by one of the California Deputy State Labor Commissioners at its Los Angeles hearing. During the winter of 1949–50 San Diego County farmers had been unable to attract needed workers because of an absence of housing. Discussions for a public-housing program, which had been going on in the late spring and summer, were abruptly abandoned in August 1950 upon the legalization of large numbers of wetbacks. The Deputy Commissioner stated: "Of course, with this new program of legalizing 30,000 wetbacks it seems to be the feeling among the farmers that the question of housing will be bypassed for the time being."

The same story of the relation of housing to labor supply is told by Nelson and Meyers in their study (1950) of southern Rio Grande Valley agriculture. They write of the farm problems in the Lower Rio Grande Valley in these terms:

> It is believed * * * a program—of wages more nearly like those paid elsewhere in Texas, and [provisions of] housing for agricultural workers would help solve the peak needs for labor. Cotton is picked in the Valley while virtually no activity exists elsewhere in Texas * * *. [Workers] do not come in the Valley * * * for three important reasons. First, *wage rates* in the Valley are in-

> adequate to warrant movements. Secondly, no *housing* facilities exist. Native laborers are unwilling to live "in the brush" as do many if not most of the seasonal illegal entrants. Finally, *failure to enforce entry regulations* gives to the potential citizen migrant no assurance of employment in the Valley which may at any time be flooded with labor. It is believed that the latter two factors are more important than the wage differential * * *. Provision of some sort of housing facilities and assurance of jobs as against illegal entrants are the prerequisites to the recruiting from the pool of native labor * * *. [Emphasis added.]

For foreign contract workers and Puerto Ricans under contract, housing is mentioned in the contract and is made a condition of employment. Examination of the terms of the contracts indicates, however, that standards with enforcement machinery seldom exist. Under terms of the Individual Work Contract negotiated in connection with the International Executive Agreement with Mexico, it is required that hygienic housing similar to that offered to domestic workers be provided. The Individual Work Contract under the heading of "lodging" reads:

> Hygienic lodgings adequate to the climatic conditions of the area of employment and similar to those of the average type which are generally furnished to domestic agricultural workers in the area of employment.

As is noted above, however, only a fraction of the housing furnished to domestic workers in those States having legal minimum standards is approvable. Since the housing in those States that have no standards is undoubtedly worse, the provision of "similar" or "hygienic" lodgings sets no standards and hence means whatever the parties to the agreement or their representatives interpret it to mean.

The other contract workers are the Bahamians, Jamaicans, and the Puerto Ricans. Contracts covering workers from these islands are negotiated by employer groups in the United States with the respective governments or their representatives. These contracts, though their language is extensive, are no more specific in their housing provisions than is the Mexican agreement, and certainly they are no more enforceable.

Where housing is furnished to domestic migratory workers, its quality and condition is designed to reflect the social status of the migratory group the farmer expects to employ. In other words, employers anticipate that groups regarded as socially inferior will be less demanding in what they will accept. Thus, housing for Negroes and Americans of Mexican ancestry is characteristically poorer than the housing offered to "Okie" migrants.

Housing, Wages, and Jobs Are Tied Together in Employer Housing

Not infrequently a migratory worker finds that, to get a job in an area of active seasonal work, he must live in the employer's housing. Once in that housing, he cannot retain the housing and work elsewhere. In some cases employers have threatened eviction even when the worker sought alternative employment only on idle days. In other words, job and housing are a "package" proposition. The worker, in accepting the employer's housing, also accepts whatever work is available and at the same time, the employer's wage rate, whether or not it remains as promised. On such a package proposition, the worker's ability to choose his work and to bargain on wages is materially limited. Testimony on this point was given by a worker in Florida:

> WITNESS. I said they'd be paying or offering to pay 6 or 7 cents a bucket for tomatoes when they should have been paying 10 cents a bucket. . . ,
>
> Q. And if they would do that, then you would not work?
>
> A. No, sir.
>
> Q. Do they get people to work when they cut the price down to 6 and 7 cents?
>
> A. Well, those that stay in their own (employers') houses, they would. You see, they couldn't move. They had to stay there. . . .
>
> Q. Then if they could get enough people in their own housing, they wouldn't have to pay more than that?
>
> A. That's right.

At times, this has also happened with employer association housing. A worker from McMinnville, Oregon, protested:

> Why, when a farmer will pay $1 an hour for workers to work in the hay, should a person have to accept 85 cents an hour for workers to work because a small association of farmers, say, work for such and such a farmer or you will have to find another place to live. Places are scarce to find and you simply can't move out into the road.

When an employer houses his labor supply on his premises it is possible for him to hoard labor. A worker so housed has less freedom to use his idle time by working for other employers than he would if his housing were free of employer restrictions. Such restrictions on the movements of the worker are disadvantageous to him and also to the community at large because less effective use is made of the labor supply. When the provision of housing by employers is used to restrict either wage adjustments or freedom of movement by workers, both the individual interest of the worker and the interest of the community in effectively using its labor supply are obstructed.

In this regard, employer association housing represents an advance over individual employer housing. Work opportunities are at least spread over the needs of the whole membership rather than merely one employer. By contrast, public labor-camp housing permits the worker to go to the job offering the most continuous employment and the best wages. The Farm Placement Supervisor of the Idaho State Employment Service testified before the Commission:

> In the handling of this migratory worker, it is hard to utilize him fully unless you have many located from place to place in a strategically located camp, a camp sufficient in size to take care of the normal needs of that community, located so that the farmer can day-haul those workers out of there and that he doesn't have to go across two or three counties and spend the forenoon hauling them to the farm and the afternoon taking them home.

The inseparability of housing from the job has a further important implication, namely, the restriction which it places upon unionization of workers or participation in union activities. A worker housed with other workers in camps on a farm at Delano, California, testified before the Commission:

> We live in the labor camps, and they have the National Farm Labor Union in Delano . . . and it is quite natural response . . . of the boys, that they are afraid to join the union because of the fear of being evicted from their camps. That is one of the several weapons of the farmer that they use to keep the Filipinos out of the union.

Housing and Government Recruitment of Farm Labor

The Farm Placement Service of the United States Employment Service participates in the recruitment of farm workers. To a very great extent, recruitment involves bringing in out-of-State workers. If the State Employment Service is unable to interest sufficient local workers, it requests the Employment Service of other States and also the Federal Employment Service to supply workers from outside the State. If unsuccessful, the United States Employment Service certifies the need to import foreign workers.

The noteworthy point in this connection is that Government does not assume any responsibilities concerning the conditions of work for which it is recruiting either at the State or Federal level. This was stated to us again and again by the Employment Service. The attitude of recruitment officials toward the conditions of work for which it recruits is illustrated by the following testimony given us by the State Supervisor of the Farm Placement Service in Florida:

> Q. You say the employment service tries to make sure that there is housing for these people? How do you make sure that there is housing? What do you do?
>
> A. That varies greatly. Where it is possible, we inspect. . . .
>
> Q. Of course, you would have no authority if you found * * * any housing inadequate . . . to tell the grower, "You have got to fix this up so and so, and put these beds in," and so on? Would you have such authority?
>
> A. No, sir; none whatever. . . .

> Q. * * * Could you not refuse to refer workers to that farm, if, in your opinion, the housing was in bad shape?
>
> A. That is right.
>
> Q. Do you do that?
>
> A. Yes.
>
> Q. Do you have a standard of housing written up in some way on the basis of which you do that?
>
> A. No; no, sir. In other words, it must be a question of at least reasonable protection against the weather. That is about as far as we can go.

With scarcely any exceptions, Employment Service personnel testified that they saw no advantage in their being given the authority to approve conditions of work prior to recruitment and referral of prospective workers. Mainly, the reason for this position, as explained, was that the Employment Service, being a service agency, did not want its work complicated by the addition of inspection duties which were thought to be "administrative."

HOUSING AT THE HOME BASE

From the standpoint of the local community, one of the shortcomings of domestic migrants is that they stay around after the harvest is ended. The advantage of foreign contract workers (except Puerto Ricans) is that, with the end of the field requirements, they can be sent back whence they came. Unlike domestic migrants, they do not become a burden upon American communities. In their poverty and in their rootlessness, domestic migrants present as much of a social problem during the home base period as during crop operations.

Home base areas are scattered throughout the United States but there are four of key importance. These are: (1) California; (2) southern Texas; (3) northern Texas, Oklahoma, southern Missouri, Arkansas, and northern Louisiana; and (4) Florida.

Home Base Housing

The "permanent" housing in which migrants live for the 6 to 8 months of the year when they are not working on the crops is among the most deplorable in the Nation. Primarily, it is found in shack towns or the shack sections of older communities. A farm laborer testifying before the Commission in Los Angeles described one California shack community in these terms:

> In fact, I do live in an area which you probably read about in the Fresno Chronicle, just outside of the Bakersfield city limits, known as the Mayfair-Sunset district of Cartersville. You have there an area of 15 blocks long and 14 blocks wide with a range between half Mexicans and half Negro, and a population around 7,000 people with-

> out sewerage, without any forms of sanitation whatever, without the enforcement of any county or State sanitation laws. There are, of course, naturally, any number of cardboard and old-plank houses.

Such communities, usually unincorporated, without fire, police, and sanitation service, are to be found throughout California. Beginning in the 1930's, they sprang up the length of the State in "work areas," that is, in areas which have more than one crop operation or where more than one crop is harvested. Primary concentrations are in the Sacramento, San Joaquin, Salinas, and Imperial Valleys. Although the total number of these communities in California is unknown, estimates suggest a two to threefold expansion during the last decade.

Testimony on the condition of migrants' "permanent" housing was received in Texas. A physician who appeared before the Commission at Brownsville described typical migrant "home-base" housing in Texas in these terms:

> Let us take a typical average town and call it "Lodo." Lodo is divided into two sections by a man-made object. Usually it is the railroad tracks, the highway, or a ditch. On the southern side of the town we have the Anglo business center, the hospitals, the Anglo residences * * * the schools * * *. Across the tracks we have that part of town referred to as "Mexiquito" or "Little Mexico" * * *. In "Mexiquito" you will find that the only paved street is the main street * * *, that there are very few decent buildings, that as much as 90 percent of the houses are substandard, that there is no drainage, and the majority of the dwellings still have the primitive open-pit privies. In other words, gentlemen, the "Mexiquito section" of Lodo is one large continuous "slum area" in every sense of the word. Then you multiply "Lodo" by several hundred more towns or cities throughout this area and have a worse slum area than any found in New York, Chicago, or San Francisco * * *. Brownsville, San Benito, Harlingen, Mercedes, La Feria, Weslaco, Donna, Pharr, San Juan, Alamo, Edinburg, Mission, Robstown, Kingsville, Corpus Christi, San Antonio, etc., each and every one of them has its area designated "Mexiquito," which is a glorified name for "slum section."

In Florida "on-job" and "home-base" housing situations merge, for here the seasonal labor demands occur during the winter months. A representative from the West Palm Beach County Department of Public Welfare described one type of "on-job" housing—housing on farms—in these terms:

> Most of them (i. e., the quarters provided by farm owners) do not have running water or adequate toilet facilities. The families are crowded into one or two rooms, and in many instances, we have found upon inspection, farm laborers living in quarters which in a good dairy country such as I come from, you wouldn't place your good-blooded cattle.

This welfare worker's observation was corroborated at the same hearings by the director of the Palm Beach County Health Department who testified:

> You have heard a social worker here this afternoon say that they would not house their family cow in some of that housing. I would like to go on record supporting that statement 100 percent.

The housing in the shack sections of established communities in Florida was found to be deplorable.

Government Low-Income Housing

Because of the direct influence of housing on health and on the individual's role as a citizen, it has become public policy for certain minimum standards to be established, and, where the forces of the market are unable to produce housing which meets these standards, to supplement such market forces. The declaration of policy in the Housing Act of 1949 reads:

> The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family, thus contributing to the development and redevelopment of communities and to the advancement of the growth, wealth, and security of the Nation.

A policy of low-rent public housing was initiated in the United States Housing Act of 1937 and expanded in the Housing Act of 1949. Low-rent public housing is designed to provide decent housing at prices within reach of low-income persons, persons whom private enterprise is incapable of serving. The agency responsible for this program is the Public Housing Administration of the Housing and Home Finance Agency.

Migrants and Public Housing

Inasmuch as migrants are at the bottom of the Nation's low-income groups and are more desperately in need of housing than any other group of similar size in the Nation, it might at first be thought that Government would have given particular attention to their housing needs. This has not been the case. In fact, with respect to permanent private housing, migrants find themselves outside the Government's housing program.

In drafting the 1949 housing legislation, the Congress clearly had in mind the needs of rural nonfarm groups as well as urban groups. A proportion of the funds is earmarked for rural nonfarm use. The Senate Report on the act (in bill form) observes:

> The relative needs of low-income families living in rural nonfarm areas are certainly as great as the needs of low-income families living in urban areas. Your committee therefore contemplates that the Public Housing Administration promptly undertake a program looking to the provision of aid to local authorities wishing to provide low-rent housing in those areas. Ten percent of the authorizations for annual contributions contracts are to be reserved for rural nonfarm housing for a 3-year period after such authorizations become available.

How is it that the group in the Nation most desperately in need of decent housing find themselves outside the Government's housing program? Various answers suggest themselves. The Public Housing Administration conceives of the Government's housing program as not adaptable to short-range needs. Inasmuch as the deplorable situation in which migrants currently find themselves is not regarded as permanent, the Public Housing Administration does not see itself called upon to devise housing expedients for migrants. The Administrator of Public Housing Administration wrote the Commission as follows:

> To the extent that the picture of agricultural labor can be changed, and bettered, so that the families who are now migrants can settle down in one place while the wage earner commutes to various places of nearby agricultural employment, our rural nonfarm program will be of help in solving the problems which your committee is studying. * * * We do not feel the program which we are administering is adaptable either under present legislation, or with reasonable modifications thereof, to meet the needs of truly migrant families who will stay only a relatively short period in a given locality.

Housing as a Factor in the Reduction of Migrancy

We received striking testimony on the "settling" effect of decent, though insufficient, housing. Housing, when it consisted of nothing more than a single room in a labor camp, was found to be a significant factor in the reduction of migrancy. Housing above the camp level was found to be a stronger deterrent to rootlessness. In this regard the experience with the camps built by the Farm Security Administration, a number of which are under temporary Public Housing Administration operation, is illuminating. In testimony at the West Palm Beach hearing, the Executive Director of the Belle Glade Housing Authority, one such camp in Florida, stated:

> We find that in the 10 years that these camps have been operated * * * that, as far as our white migrants are concerned, they have tended to become stable. In other words, some 60 to 70 percent of the people in our white camps are now classified as year-round residents. If they do leave in the summer, they only leave for a relatively

> short period of time. * * * That is a trend from 10 years ago when a good 75 percent of them were migrants to now roughly less than 5 percent * * *.
>
> Now, in the Negro camp . . . it is somewhat the reverse; that is, the Negroes are still highly migratory in nature. There is possibly less than 30 percent whom we classify as year-round residents. There is at least an additional 20 to 25 percent who call Belle Glade . . . and Okeechobee their home and retain housing with us throughout the summer, either by leaving some member of the family back home to keep up the house or they retain a house by paying a slight storage fee, so that they will have a place to return to in the fall of the year.

Similar testimony on housing as a factor in the reduction of migrancy was given by the Secretary-treasurer and Executive Director of the Housing Authority of Pompano Beach, Fla., which camp consists of 158 duplex cabins:

> * * * [The camp] is not much of a migratory labor camp because we have a year-round population of about 85 percent. . . .
>
> Most of them [the migrant workers] have been in the camp since the inception of the camp, which has been in operation about 10 years. There were only 22 families in the camp when I went there. Along about the latter part of 1942 and the first of 1943 the camp filled up and has been full ever since.

Further corroboration of the influence of housing upon the reduction of migrancy is provided by the Director of the Seattle Field Office of the Public Housing Administration. With reference to the labor camps in the Northwest, he stated:

> The families in the permanent homes have, in isolated cases, occupied their dwellings since the camps opened and the average tenure is about 4 years. Recognizing that all of the families in the permanent homes were originally migrant families, I have been surprised to learn that a large number of them, when they settle down, have been able to find nonagricultural occupations which enable them to earn a living during off-season periods, and in some cases, year-round. * * *
>
> I believe that an increasing number of families might drop out of the annual migration if they could find decent housing within their financial means and thereby emulate the example set by the tenants who have located in the permanent homes of the Farm Labor Camps.

The "Particular" Aspects of Home-Base Housing

There are several factors which make it difficult to bring migrant home-base housing needs within the existing public housing legislation. The "particular" aspects of the migrants' situation are:

1. The less than 12-month period of occupancy of home-base housing.
2. The unusual poverty of the people who need housing.
3. The lack of integration into local communities and therefore the

migrant's inability to get local communities to initiate requests for Federal assistance upon his behalf.

The less than 12 months' occupancy of home-base housing is of importance in rental situations where alternative rental opportunities are limited. The attractiveness of the investment is obviously reduced where income is assured for only 6 to 8 months of the year. Among wage earning groups, migrants are distinctive for their poverty. Their income is well below the average of the groups housed in public housing. The extremely low income level raises the parallel question of the level of housing. Simpler housing than that which is being constructed by Public Housing Administration for low income groups generally would appear to be more consistent with the ability of migrants to pay.

Moreover, there is the important consideration that the present Federal Housing Program requires the local public officials to take the initiative in requesting Federal funds before the community can secure Federal aid to improve its housing. This is not easy of accomplishment when the proposed housing is intended for migratory farm workers who are not year-round residents of the community and who, for this and other reasons, have little influence on the policies of the community.

Housing for migrants in the home base situation raises two problems which call for policy decisions: namely, whether such a program should be conceived in terms of "camps" or "house" accommodation, and whether it should include ownership as well as rental housing. The testimony which we received on the relative merits of camp versus house accommodations was conflicting. Speaking from his experience as administrator of one of the Public Housing Administration camps in Florida (where home-base and on-job situations coincide), one camp director, in response to a query from the Commission commented:

> I would say this: That in the event the Federal Government was going to make any contribution toward the housing of migratory labor they can best do it by building these projects and turning them over to local housing agencies to operate.

In contrast to the thinking of this director, the vice chairman of the Housing Commission in the Division of Industrial Relations in the State of California testified at the Los Angeles hearing:

> * * * I am sure that a great majority of the workers in these agricultural industries are heads of families and therefore we should give some attention to decent housing for [them]. * * * I cannot see how you can have any decent family life in these barracks of these camps that we have scattered throughout the State here.

We noted with interest the attention given in certain home-base areas to the advisability of a housing program in ownership terms. The president of the California Cotton Cooperative Association testified before us:

> It is encouraging to meet people who believe in those people [migrants] creating and owning something of their own. True, some of

> the houses they start with aren't probably what they would call first-type housing but is their own, * * * and I think that type of housing is to be encouraged.

Our examination of both on-job and home-base housing indicates that it is grossly inadequate and that this is a major factor in the present difficulty of procuring and holding an adequate labor supply. The evidence is clear that if farm workers were offered housing conditions which met standards of decency, it would be much less difficult to find an adequate labor supply.

RECOMMENDATIONS

We recommend that:

(1) The United States Employment Service not recruit or refer out-of-State agricultural workers, and the Immigration Service not import foreign workers (pursuant to certifications of labor shortage) unless and until:

a. The State in which the workers are to be employed has established minimum housing standards for such workers together with a centralized agency for administration and enforcement of such minimum standards on the basis of periodic inspections. These State housing standards, in their terms and in administration, should not be less than the Federal standards hereinafter provided.

b. The employer or association of employers has been certified as having available housing, which, at recent inspection, has been found to comply at a minimum with the standards for housing of migrant agricultural workers then in force in that State.

(2) Federal minimum standards covering all types of on-job housing for migratory workers moving in interstate or foreign commerce be established and promulgated by the Federal Commission on Migratory Farm Labor. These standards, administered through a State license system, should govern site, shelter, space, lighting, sanitation, cooking equipment, and other facilities relating to maintenance of health and decency.

(3) Any State Employment Service requesting aid of the United States Employment Service in procuring out-of-State workers submit with such request, a statement that the housing being offered meets the Federal standards.

(4) The Agricultural Extension Service in those States using appreciable numbers of migratory workers undertake an educational program for growers concerning design, materials, and layout of housing for farm labor.

(5) The Department of Agriculture be empowered to extend grants-in-aid to States for labor camps in areas of large and sustained

seasonal labor demand provided the States agree to construct and operate such camps under standards promulgated by the Federal Committee on Migratory Farm Labor. Since such projects are to be constructed and operated for the principal purpose of housing agricultural workers and their families, preference of occupancy should be given those engaged in seasonal agricultural work. Costs should be defrayed by charges to occupants.

(6) When housing is deficient in areas where there is large seasonal employment of migratory farm workers, but where the seasonal labor need is of short duration, the Department of Agriculture establish transit camp sites without individual housing. These camp sites should be equipped with water, sanitary facilities including showers, laundry, and cooking arrangements. They should be adequately supervised.

(7) The Department of Agriculture be authorized, and supplied with the necessary funds, to extend carefully supervised credit in modest amounts to assist migratory farm workers to acquire or to construct homes in areas where agriculture is in need of a considerable number of seasonal workers during the crop season.

(8) States be encouraged to enact State Housing Codes establishing minimum health and sanitation standards for housing in unincorporated areas.

(9) The Public Housing Administration of the Housing and Home Finance Agency develop a rural nonfarm housing program to include the housing needs of migrants in their home-base situation.

Chapter 9

Health, Welfare, and Safety

The Executive order directed the Commission to inquire into the "* * * health conditions among migratory workers * * *."

Migratory workers are more subject to sickness and have a higher death rate than most other sections of the population. The United States Public Health Service in 1940 found that interstate family "transients," agricultural and nonagricultural workers alike, had a 74-percent higher disabling illness rate than residents, and unattached "transients" had a rate 45 percent higher. The Service found also, by a comparison of the rates for transients with the rate for "poor" residents, that the rate for transients was 239 per 1,000 persons and for poor residents only 154. The combination of poverty and migration is destructive of the ability to maintain health.

Testimony before the Commission corroborated the earlier findings of the Public Health Service. A representative of the Michigan State Department of Health reported a tuberculosis rate of 19 per 1,000 among migratory agricultural workers in Saginaw County compared with less than 1 per 1,000 among "normal" residents. The Director of Public Health in California reported significantly higher infant mortality in counties with large concentrations of migratory workers than elsewhere. The health officer of Cameron County, Texas, where migratory labor and the wetback traffic combine, reported 83 deaths per 1,000 births, "one of the highest infant mortality rates in the country." State after State, from North to South and from East to West, reports similar stories of the close relationship between migratory farm labor, sickness, disease, and death. Tuberculosis, infant mortality, maternal mortality, dysentery, enteritis, smallpox, typhoid; all are much more prevalent among migratory workers than among the general population.

Statistics Tell Only Part of the Story

The conditions are worse than the statistics indicate. The Public Health Service, impressed by the serious dietary deficiencies it found, reported:

> The record of disabling illnesses * * * is an inadequate measure of the diseases and conditions due to diet deficiencies in that it misses not only such recognizable states of ill health as rickets, scurvy, and pellagra, unless they are disabling, but also those subclinical or "subrecognizable" states due to diet deficiency.

The Children's Bureau found in Hidalgo County, Texas, where migratory labor is prevalent, that among 83 children (between the ages of 6 and 12) in 55 families, 21 were in need of immediate medical care, and for 27 others "medical care was considered to be indicated but less urgent." Yet "to superficial observation" all appeared well.

The diet of migrant farm laborers is as insufficient to maintain health as is their shelter. A physician testifying before the Commission said:

> I can say from the reports of the nurses that we do have dietary deficiency diseases such as pellagra and cases of that have come to my attention—due to a diet consisting of corn meal and perhaps rice and very little else—no vitamins. There are also evidences of merely ordinary starvation among many of these people which the nurses report. . . .
>
> A survey which I made and photographed, in the Mathis, Texas, labor camps, showed that 96 percent of the children in that camp had not consumed any milk whatsoever in the last 6 months. It also showed that 8 out of every 10 adults had not eaten any meat in the last 6 months. * * * The reason given was that they could not afford it with the money they were making.

Migratory Labor and the Public Health

To permit migratory workers to continue to live under conditions now prevailing is to endanger not only the health of the migrants, but the health of the community as well. In the words of the United States Public Health Service:

> The effect of transients on community health is to increase the hazard of ill health to residents and to raise the incidence of most of the communicable diseases. The incidence of tuberculosis, syphilis, gonorrhea, and malaria almost certainly is increased in a community by adding transients to the resident population.

At hearing after hearing across the country, the story of the insanitary conditions of a wage-earning population living in poverty and without roots in the community was laid before us by physicians who spoke out of their own first-hand knowledge. At Fort Collins, Colo., a doctor, who is chairman of the Governor's Committee on Migrant Labor (Colorado), testified about conditions in a large farm labor camp built and formerly operated by the United States Department of Agriculture but now under management of farm employers.

> I have never been as shocked as when I entered the one-room shacks with old iron bedsteads and thin pads, with one shaded bulb, in which as many as eight to ten people sleep, and with an old cook stove, dirt just as thick as you could find it, no toilet facilities, no water facilities. The thing that the camp is proud of is the bank toilets and bank showers, and when I counted up the numbers that were available, when one considers the large number of people that live there in the summer, it's below the lowest possible standard of 30 or 40 years ago, let alone today's standards.

When the United States Public Health Service X-rayed the occupants of this camp in 1949, they found that 115, or 4.2 percent, of the 2,706 migrants examined, showed positive tuberculosis or other pathological condition.

The director of a Florida county health department testified:

> This is an actual observation: A sanitarian reports 180 people living in 60 rooms, with only one toilet stool that works. This has been corrected somewhat by three additional stools which were added by the time of the last inspection. . . .
>
> One of our public health nurses visited a nursery maintained on a private farm and found 48—I did not say 4, I said 48—infants on two double beds. I might add that two of the babies in that location subsequently died.

Members of this Commission personally observed the meager and insanitary living conditions of migrants in many sections of the country. We were deeply disturbed by a realization that in many instances these conditions have persisted for decades without correction. Also that the efforts of Federal, State, and local governments and of agricultural employers during recent years, commendable as they are, have been so ineffective and leave so large a part of the corrective measures still not instituted.

Although migratory farm laborers have more need for medical and hospital care than most other segments of the population, the evidence shows—with some exceptions—that they get the least attention. The fact that migrants, by the nature of their occupation, cannot meet residence requirements, imposed by law or regulation, combines with their poverty to deny them care.

A survey made a decade ago disclosed that only about one-sixth of State and local agencies providing free medical care to destitute persons did so without regard to residence status. Similarly, about one-third of the private agencies imposed no residence restrictions. Except for emergency measures during World War II, we have found no evidence that medical services for nonresidents have significantly improved in the past decade in most parts of the Nation.

The kind of tragedy that may occur to migratory workers is shown in the recent case history of a migratory agricultural labor family in the San Joaquin Valley of California:

> *Inquest:* * * * The body is that of a well-developed, moderately emaciated white male infant—approximately 4 months old * * *
>
> *Father's testimony:* On November 4, he started vomiting but stopped and seemed better. About 9 o'clock on Sunday, the 6th, he was very bad, and we started for the hospital. We took him to the Coalinga Hospital but we didn't have any money and they sent us to the General Hospital in Fresno. We are not familiar with this area and we stopped at the Wallace Sanatorium. We didn't have any money so they sent

> us on to the General Hospital. When we arrived they told us the baby was dead.

The facts we have set down here are not unknown in the communities where they exist, although knowledge of them is not always clear or well-diffused. Likewise, their implications are often not thoroughly understood. Instead of facing the problems frankly, local authorities too often confine their efforts to fixing limitations on local financial responsibility and to avoiding publicity of scandals occurring on their own doorsteps. Community opinions tend to vary from panic, when epidemic diseases in migrant camps threaten the general health, to indifference when no such threat is imminent.

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An appeal to the humanity and sympathy of local officials is not enough. Local authorities are not insensitive to the misery of migrants, although under present laws of residence, they are almost helpless to deal with it. When they turn away the sick and undernourished, they do not do so by personal preference, however their actions may appear.

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The difficulties standing in the way are largely fiscal. These can be corrected if the Federal and State, rather than the local, units of government, assume the major share of the costs. Localities where the problem is highly concentrated cannot be expected to carry the expense unaided. That is why criticism directed at the localities has not been more productive of results. When public opinion demands Federal and State action, it is likely that results will be forthcoming, but not until then.

Efforts at Improvement

Efforts to promote State action to improve the health of migratory farm workers in Michigan had not been successful up to the time our commission held hearings there. Under interrogation, the head of the State health department testified:

> Q. Has any campaign been undertaken in Michigan to provide medical care or preventive medical attention to this migrant population?
>
> A. No, there has not been. I mean, there have been a few interested groups who have attempted to push it along. For example, Dr. ——— and myself were both on the Interdepartmental Committee on Health, Education and Welfare of Migrant Laborers. However, we are not an official committee. All we can do is to needle people and get classified as "do-gooders." * * * We presented what we thought should be done to the last three governors in succession, and two of them, I guess, put it in the wastepaper basket, and the third one, at least, called us together and we discussed the problem, and at the last regular session of the legislature, an interim committee to investigate the problem of migrant labor was appointed, consisting of some

members of the Senate and some of the House. So far, they have succeeded in burying it deep, as far it could be buried.

Some States have shown initiative and vigor in meeting the health problem of migratory farm laborers. New Jersey carries on a program under the direction of the State Migratory Labor Board made up of the heads of seven State departments and five public members appointed by the Governor. The Migrant Labor Bureau, under the supervision of the Commissioner of Labor and Industry, inspects the housing used by migratory workers and the department of health maintains five clinics staffed by nine doctors and five nurses, most of them serving part time. These clinics give physical examinations, treat minor ailments, and offer hospitalization to emergency cases.

New York provides for inspection of labor camps and for a special staff of 25 full-time and 6 part-time nurses assisted by county public health nurses. They conduct clinics for migrants, give health examinations, immunization and health education, and take special measures for the control of syphilis. In California and in some other States, the departments of health also have been active. Though their programs at present are not adequate to meet the need, some are showing an alertness to their problems.

Farm employers, particularly where large associations have been organized, are beginning to establish and maintain clinics of their own. The Glassboro Service Association in New Jersey maintains such a clinic and here and there other employers' associations are beginning to make similar provisions.

Needed: A Coordinated Attack on Basic Causes

While low incomes are responsible for many of the nutritional and other health deficiencies among migrants, ignorance, too, is to blame. Educational programs, on a year-round basis, in nutrition, health, and sanitation, and in maternal and child care, can assist materially in improving the health of migrants, and should be undertaken energetically. The Agricultural Extension Services could give leadership in such programs.

The Commission is impressed with the close relation between insanitary living conditions among migrants and poor health. Camps where migratory farm laborers live should be regularly inspected by technically qualified public officers. California assumed the lead in providing for State inspection of employers' camps nearly 40 years ago. But neither there nor in any other State where we had opportunity to make observations was inspection adequate. Insufficient inspecting personnel is one source of inadequacy. Another is statutory limitation of inspection authority to certain types of camps. Many of the worst encampments are beyond the present powers of State authorities.

Even the broadest inspecting powers are insufficient when shortage of shelter is extreme, or the resistance of some employers to standards set by regulation is deferred to by the local community. It is useless to close camps and evict migratory farm laborers when there is no better place for them to go.

Because of the interstate nature of the problems involved, the Federal Government should share responsibility with the States for the development of a health program for migratory workers. The States can reasonably ask employers of migrants, or associations of employers, to bear a share of the costs by providing either physical facilities or funds, or both.

More Machines, More Accident Hazards

The growing trend toward mechanization of agriculture has substantially increased the risk of injury in farm employment. The use of tractors and other machines, of knives and other cutting tools, of high ladders, and of noxious gases in fumigation, as well as the truck transportation of workers on farms and to and from work, have all contributed to make the accident rate in agriculture one of the highest.

Safety programs and workmen's compensation legislation have proved of such benefit to employers and employees in industry that no responsible spokesman for either workers or management would question their value, or seek their repeal. We believe that the benefits of the long experience of industry in promoting safety, and in compensating for injuries, should be extended to laborers in agriculture.

A program of safety, to be effective, must be based not only on laws and regulations, but also on safety training and the spread of technical and popular information. An informed public, prepared to support such a program, is likewise essential.

The United States Departments of Labor and Agriculture, in cooperation with State agencies, can lay the foundations for a safety program in agriculture, and assist thereafter in making it successful.

At present most State workmen's compensation laws exclude agricultural laborers. Thirteen States have taken some steps toward their inclusion. Ohio alone makes coverage compulsory. Five other States make coverage compulsory for certain mechanical or power operations on farms. In four States, farm employers are generally subject to workmen's compensation unless they expressly reject coverage. In three other States, employers are subject to coverage of certain mechanical operations, but they, too, may reject such coverage if they wish.

As in most forms of labor legislation, problems need to be resolved in order to make the laws at once practicable and effective. One difficulty has been that of adapting premium payments to the employment of small numbers of workers and to employment periods of short duration, but neither this difficulty nor others has proved insuperable.

In view of the exposure of migratory farm laborers to the hazards that workmen's compensation legislation is intended to cover, and of the demonstrated benefits of workmen's compensation to both employers and workers, we recommend measures to promote public knowledge of the problem and to encourage appropriate legislation. While enactment of workmen's compensation statutes is within the province of the States, the United States Department of Labor, by reason of long experience, is in position to take the initiative in informing the public on this subject and in assisting administrators of State labor laws to solve problems of applying workmen's compensation to migratory farm laborers.

RECOMMENDATIONS

We recommend that:

(1) In amending the Social Security Act to provide matching grants to States for general assistance (as we recommend in chapter 7), provision be made to include medical care on a matching-grant basis for recipients of public assistance on the condition that no person be denied medical care because of the lack of legal residence status.

(2) The Public Health Service Act be amended to provide, under the supervision of the Surgeon General, matching grants to States, to conduct health programs among migratory farm laborers to deal particularly with such diseases as tuberculosis, venereal disease, diarrhea, enteritis, and dysentery, and to conduct health clinics for migratory farm workers.

(3) The United States Employment Service make no interstate referrals of migratory farm workers unless the representatives of the State requesting the labor shall give evidence in writing that neither the State nor the counties concerned will deny medical care on the grounds of nonresidence, and that migratory workers will be admitted to local hospitals on essentially the same basis as residents of the local community.

(4) The Federal Committee on Migratory Farm Labor and the appropriate State agencies undertake studies looking toward the extension of safety and workmen's compensation legislation to farm workers.

(5) The Federal Social Security Act be amended to include migratory farm workers as well as other agricultural workers not now covered under the Old Age and Survivors Insurance Program.

Chapter 10

Child Labor

Child labor has all but disappeared from American industry. Only in agriculture does it remain a serious problem. Children work in agriculture today primarily for the same reason they formerly worked in industry—because of poverty in the family. The child's earnings are needed. This is the same reason given years ago why child labor could not be eliminated in industry.

The child labor to which we refer is not the chores and the vacation jobs children perform on their family's farm. The child labor of which we speak is that to be seen in large acreages of peas, snap beans, or cotton where children, sometimes as young as 5 and 6 years, work along with adult members of the family at "stoop" labor. Comprehensive statistics on the magnitude of the child labor problem in agriculture are unobtainable. However, for August 1950, the Bureau of the Census estimated that 190,000 children 10 through 13 years of age and 205,000 of 14 and 15 years of age were working for pay in agriculture. For October 1950, when schools were in session, the Bureau estimated that 150,000 and 165,000 of the above age groups were working. Of the 150,000 in the 10 through 13 age group, 40,000 were not even enrolled in school.

Children work in agriculture because of the need to supplement their parents' earnings and because the compulsory school attendance laws are not enforced. They also work, however, because their parents have no other place to put them during their own working hours. Work in the fields thus becomes a substitute for child care and recreation centers. A third factor is that some employers prefer children as workers.

Numerous persons commenting on child labor in agriculture have underscored the inadequate earnings of the head of the family. A writer on the Spanish-speaking people of Texas said, "The wages which are paid to the migrant laborers are such that the entire family must work in the fields in order to sustain life." A spokesman for the National Child Labor Committee testified to the Commission, "We have found from experience that we can't get rid of child labor so long as economic circumstances create the pressures which force children to work." An investigator of farm labor problems in California reported:

> * * * But the fact is, these workers said, that with the pay for adults so low, it is necessary for the family's survival to get all members possible into the field when there is work. So at the peak labor seasons in various crops, many families travel away from their own neighbor-

> hood for a few weeks, taking their children out of school, and all of them work in the fields as hard as possible to pile up a little money. * * *

Migrant parents are keenly conscious of this need for the earnings of their children. A labor contractor told us:

> * * * the minute you suggest to the families that their children have got to go to school, they will pack up and leave for another area, say, into the cotton.

Children get into the fields not only because of a need for their earnings but also because the parents have no suitable place to leave them during working hours. When parents must work and there are no child-care facilities, children will be taken to the fields and if they are old enough they will be put to work. A representative of the National Child Labor Committee testified:

> * * * we found a long time ago it is not enough just simply to eliminate or outlaw child labor if there aren't any child-care centers where children can be cared for, if there aren't any schools for them to go to, if there aren't any recreational facilities that they can play constructively in. * * *

In certain instances we found that some employers preferred to hire children. Some labor contractors and crew leaders also prefer children, particularly in such crops as cotton, potatoes, berries, and truck crops. There is evidence that some employers have brought pressure on school authorities to allow children to work in the fields. One California labor contractor told us:

> Last year in the tomato harvest, for instance, the school commissioners from Stanislaus County came up, and in fact they even went and swore a warrant against me for actually hiring the kids, letting them work. However, I went to the growers' association and they exerted pressure in regard to leaving them work until such time as the completion of the crop.

Florida children have been used for some years in harvesting strawberries. A considerable portion of the potato harvest in Idaho has depended upon children, and crop vacations during the harvesting season are common. The Idaho Farm Placement Supervisor, in reporting practices in the area, said, "When we dismiss our schools, we use children as soon as they can walk in the potato fields." In Oregon, a personnel director of a large farm said, "In bean picking the best group is a family group—mama, papa, and the kids picking beans."

Some labor contractors and crew leaders specify that they want child as well as adult workers. According to the statement of a Texas labor recruiter, who transports workers to Wyoming and Colorado, "It is necessary to take families because the (private employment) agency in Texas, they won't allow solos. They say the solos refuse to work, and they don't want them. * * * In a lot of cases, the solos have to raise families to come."

Child Labor Laws and Their Enforcement

There are two Federal laws regulating child labor in agriculture. The Sugar Act of 1937, which provides for payments of benefits to growers of sugar beets and sugarcane, states that producers are eligible for full benefit payments only if they do not employ children under 14 years or do not permit those between 14 and 16 to work longer than 8 hours a day. These restrictions do not apply to children whose parents are themselves growers owning 40 percent or more of the crop.

Administration of the child-labor provisions of the Sugar Act is handled by the county offices of the Production and Marketing Administration of the United States Department of Agriculture. Enforcement is, however, in the hands of community committees, which seem to be none too strict in the enforcement of the law. Only nine violations were reported in 1948 and the same number again in 1949. Violating growers are fined $10 per child-day, the fines being deducted from benefit payments. Total fines in the sugar-beet industry of the United States were $150 in 1948 and $200 in 1949.

A more comprehensive Federal law affecting child labor is the Fair Labor Standards Act. The intent of those provisions of the law relating to child labor was to release children from work so that they could go to school. Originally, the law stated that no child below age 16 could be employed while legally required to attend school. Because of wide State-to-State variations in school-attendance laws, it was difficult to carry out the intent of the law, except in a few States. In 1949, therefore, the act was amended to provide that no child below age 16 could be employed in agriculture during school hours.

The United States Department of Labor conducted an intensive educational drive during 1950 to acquaint farm employers, school administrators, and others with these new provisions of the Fair Labor Standards Act. Cooperation was good in many localities but in those areas which had used migrant family labor regularly, and in some areas that had depended on resident children, there was strong objection to the law and to its enforcement. In certain of these localities schools were closed or night classes held in order to circumvent the law.

At our Portland hearing, we received testimony against the 1949 amendment to the Fair Labor Standards Act from an Idaho representative of growers of sugar beets, potatoes, and small grains, who said:

> The migratory worker is experiencing new difficulties in that his earning capacity is reduced by not being able to use all of his family under the new child-labor law.

This witness outlined in some detail the reasons why he believed the law should be modified:

> I think probably you will find, in dealing with this class of people, some of them at least, and not all of them, their standard of education

has been at a minimum and to jump from that to a full course of 9 months out of the year, it is a sudden plunge for them, and their standard of economy and livelihood has been built on a family unit of earning. I have talked with some of these people in different areas, Colorado and Utah, where they aren't in the practice of a school vacation as we are in Idaho, and these migrant workers are just leaving the territory and going back to Texas for some unknown reasons, where they are ignoring the labor law.

Q. Do you think Texas should be made to comply with the child-labor law, or that in Utah they should adopt a policy that the children of migratory workers will be excused from school and only go to school 6 or 7 months instead of 8 or 9?

A. My point is that there should be an amendment or correction so that the families of migrant workers could still be self-supporting. If it meant a reduction of the required school days to 6 months or 7 months, that that be the case, rather than 9 months immediately.

Q. In other words, you want a double standard of school attendance in Idaho; one standard for children of natives, and another standard for children of migrants?

A. I think that would be possible; yes.

Texas opposition to the 1949 amendment to the Fair Labor Standards Act is reflected in a bill introduced in Congress in January 1951 (H. R. 1271, 82d Cong., 1st sess.), to amend section 13 (c) of the act. If approved, it would enable local school authorities to set aside the law.

We believe that the children of farm workers should have educational opportunities equal to those of nonfarm children. We believe, therefore, that it would be a backward step to weaken the child-labor provision of the Fair Labor Standards Act.

State Child-Labor Laws

Only six States have laws with a minimum age for agricultural employment, in and out of school hours. Six other States have a minimum age for such employment during school hours only. Fifteen States have minimum age provisions governing all employment which are broad enough to apply to agriculture during school hours. None of the States, however, has adequately enforced its child-labor laws. New York has a comparatively good investigative and enforcement program at the present time, but in 1949 over 50 percent of those under age 16 employed in agriculture were found to be illegally employed. In most States, lack of funds and personnel are reported as principal reasons for nonenforcement, but there is evidence that the will to enforce is often lacking.

Child-labor standards generally accepted as desirable for both State and Federal legislation include the following: A minimum age of 16 years during school hours, and 14 years during out-of-school hours and vacation periods; for persons under 18, authorized work permits and age certificates, and limitations of work to 8 hours' work per day and 40 per week. Even if such standards were written into law, they would not eliminate child labor in agriculture unless accompanied by vigorous enforcement. Although eradication of child labor is primarily a State responsibility, it is essential that States have the support of strong Federal child-labor legislation.

RECOMMENDATIONS

We recommend that:

1. The 1949 child-labor amendment to the Fair Labor Standards Act be retained and vigorously enforced.

2. The Fair Labor Standards Act be further amended to restrict the employment of children under 14 years of age on farms outside of school hours.

3. State child-labor laws be brought to a level at least equal to the present Fair Labor Standards Act and made fully applicable to agriculture.

4. The child-labor provisions of the Sugar Act be vigorously enforced.

Chapter 11

Education

The Executive order directed the Commission to inquire into the "* * * educational conditions among migratory workers * * *."

"Speaking broadly," said a Michigan educator, "about the only group in the United States that we do not consistently educate is the migrant child." Migrant children are among those with lowest educational attainments found in the United States. Nor are they likely to get educational opportunities so long as they work during school hours and move from place to place with their parents in search of employment. They suffer also from the discrimination and social stigma which excludes them from full participation in the community.

There have been many recommendations for bringing migrant children into the schools and for bringing the schools to migrant children, but very little has been accomplished. Migratory life involving 4 to 6 months away from home is bound to cut into children's schooling, but their itinerant status is not the only obstacle to their education. School opportunities for migratory children are limited. Inadequate school facilities, community opposition to the admission of migratory children to the schools, discrimination because of color or economic status, family incomes too low to supply necessary clothing and food are among the handicaps under which they suffer. Moreover, poverty compels them to work when other children are in school. Retardation, irregular attendance in school, and emotional disturbance are logical results of their status as migrants. Moreover, nonenforcement of child-labor and compulsory school-attendance laws, crowded schools, lack of teachers, and school facilities are all characteristic of the migrant child's educational environment.

The testimony before this Commission was but an echo of the findings of earlier commissions and investigations, yet little or nothing has been done to find an adequate solution to the educational problems of migrant children.

Local Schools Do Not Serve Nonlocal Children

The fundamental problem in the education of migratory children is that our educational system is based on the principle of local responsibility and control—a sound principle for resident children. The migratory child, because he is itinerant and lacks equal community status, does not fit into the structure of our educational system. The local school district, hard pressed to provide for its own permanent resident children, finds it difficult to make adequate provision for migratory children.

State school funds supplied to local school districts are most frequently allocated on the basis of either a school census or average daily attendance. Migrant children are more likely to be counted in the school census than they are to attend the schools. If allocations of school funds are based on the census, migratory children may be counted even though they do not attend school. By thus increasing the census basis for the allocation of funds, but without attending school, migrant children help to increase the educational benefits available to those who do attend. If, on the other hand, the allocation of funds is based on average daily attendance, in those districts in which attendance and enrollment fluctuate widely because of migrants, school funds are usually too low to provide for peak enrollment needs. So, likewise, are they, if the school census is taken at a time when the migrant children are not on hand to be counted.

Most State school-attendance laws do not apply to migratory children, although in seven States they specifically do apply and in 18 other States the laws are broad enough to include them. In 23 States laws apply specifically to resident children and whether or not these laws are extended to migrants depends upon local interpretation. Under such local interpretation, children without the necessary residence requirements are often excluded. However, in such States nonattendance by migrants is more likely to be due to nonenforcement of the school-attendance laws than to specific exclusion.

While most States have compulsory school-attendance laws, nonenforcement for migrant children is characteristic. Some States—New York, New Jersey, and California for example—have attempted enforcement of the attendance laws by State officers. Generally, however, this is left to the local community which, in the face of inadequate finances and physical facilities as well as social pressures against migrants, finds nonenforcement easier than enforcement.

No Federal agency and very few State agencies have been specifically charged with responsibility for investigating the educational problems of migratory children. There is great need for a comprehensive study of ways and means to deal with this problem.

Educational deficiencies of the children of migratory workers as they move from job to job are similar to those encountered at their home base. For example, in the Texas-North Central States migration, which is primarily Mexican-American, we find that the migrants have little chance to get an education while they are at home in south Texas. Being an area of concentrated wetback traffic, its school problem is aggravated by the presence of children in large numbers who are regarded as not belonging to the community and hence for whom little is done.

The States of Michigan, Illinois, Indiana, Wisconsin, and Minnesota, into which these Texas-Mexicans annually migrate, have endeavored to bring migratory children into their school systems but even with the best of will, they are confronted with a most difficult problem in meeting the educational needs of these young nomads. Not only do they spend but a short time within the State, but they move frequently from one local community to another. Since the bulk of migrant labor comes to these States during the summer months when schools are not in session, this further reduces what they can do.

In the predominantly Negro migratory stream of the Atlantic coast, there are many families with children. These migrants spend the winters at their home base in Florida where families work in various crops. Those who go to school in Florida enter late in the fall and drop out early in the spring. As a group, they are retarded from 2 to 5 years as compared with resident children. Thus, because the children work and the school-attendance laws are poorly enforced, their education while at home is irregular at best. Very few school districts in Florida have made serious attempts to get migrant children into school for the 6 or 7 months they are at home. Some children do not go to school at all during the winter and the summer schools provided are wholly inadequate even if the children were there and could be persuaded to attend.

The northward trek begins in the spring, the families working in from two to six States before returning home in the fall. A majority of them work in New York and New Jersey. These States have made attempts to get migrant children into regular school sessions while they are there and also to provide child-care facilities and summer schools. They are able to reach some of the children, but encounter the same obstacles as do the North Central States in attempting supplementary education for Texas-Mexican children. New Jersey is distinctive in providing additional funds for schools which have migrant children enrolled.

In States where many of the migratory workers have their "home base," as many as 40 percent of all the children of school age do not attend school. The percentage of children of migratory workers not in school in these localities is much larger and may be as high as 60 percent. This situation cannot be explained on a basis of the inability of such States to afford schooling for their resident children, for they are not lacking in economic resources and taxable wealth.

Experimental Efforts

We have said that no comprehensive program for the education of children has been devised; nonetheless, there have been a few experiments that may help to point the way.

For 3 years (1947–49, inclusive), the State of New Jersey operated a 6 weeks' demonstration summer school for migrant children at Freehold. It was successful in providing supplementary school experience for 50 to 70 children each year at a cost of less than $5,000 per year. Although State appropriations for its operation ceased in 1950, the school was continued under the auspices of the New Jersey Council of Churches.

Since the early 1920's, California has made funds available for temporary elementary schools for migrant children. Such a school was built in the 1930's at the Arvin Farm Labor Supply Center. This school was integrated into the community so that both resident and migrant children attended. A number of similar schools were provided in California in areas of migrant concentration. At one time, California experimented also with mobile schools designed to follow the children as they moved from crop to crop. These schools were abandoned when it was found that as they moved, groups of migratory families scattered, thus breaking up the instructional unit. Moreover, this type of school provided no opportunity for community integration, attendance fluctuated widely, and it was found difficult to get qualified teachers.

During the 1940's, Michigan operated a number of summer schools in order to reach a few of the 8,000 migrant children in the State from April to November. None of these schools has been continued. They depended upon local interest and only one used the State aid available to school districts for this purpose. Nevertheless, these schools provided the first schooling some of the migrant children had ever had.

Religious and charitable organizations have worked with migratory children and have carried on programs which include religion, child care, and education. Limited funds and personnel, however, have meant that relatively few migrant children have been reached through this means.

Although these various experiments have not taken root, they have demonstrated that something can be done.

Migratory Adults Need Education and Training

Another area of education which has been neglected is that for adult migrants. The war-production and farm-labor-training programs of World War II reached very few adult migrants. The current educational programs oı the Agricultural Extension Service are directed primarily toward stable farm families, although the California Agricultural Extension Service is making a special effort to provide migratory families with instruction in nutrition, cooking, sewing, budgeting, and home management. The Smith-Lever Act, under which the Agricultural Extension Services of all States receive Federal aid, applies to all agricultural people, but almost none of the funds have been used for the benefit of farm labor, either regularly hired or migratory. Practically all vocational school courses are at the high-school or junior-college levels and are located in urban centers. Very few migrants get that far in school or have access to city schools.

Inasmuch as many migrants are unable to read, write, or speak English, the need for adult education is clear. Because their occupational backgrounds are limited, migratory workers also need training for other skills to enable them to secure nonfarm jobs to supplement their earnings and to move out of the migrant labor force. Moreover, as mechanization replaces hand labor, the migratory farm workers will need training for work on machinery as well as for better performance of their present jobs.

We recognize that local authority and local responsibility for education are basic principles of American education. Because of the conflict between the nonlocal character of migratory people and the essentially local character of the school system, it is apparent that supplementary participation by the Federal Government is called for. Federal activities should not, however, compete with or displace locally-provided services.

Education for Migrants—a Must

One of the basic handicaps of migratory farm workers is their lack of opportunity for education.

Hundreds of thousands of the children of migrant workers are today getting little or no education, and they face the prospect of being slightly, if any, better able to improve their earning power and to raise their level of living than have their parents before them. This is no fault of theirs, but is the inevitable result of present public policies in many parts of our Nation. These policies are creating a new generation of persons, inherently as competent as other Americans, but who will be compelled to spend their lives in poverty because the communities in which they spend their childhood do not provide them with even the rudiments of an education.

This Commission wishes to reiterate its conviction that the education of the children of migratory farm workers (and their parents also) is one of the most urgent and most essential of the many steps which the Nation can and should take to improve the lot of migrants who have for so long been deprived of what the rest of us take for granted.

RECOMMENDATIONS

We recommend that:

(1) The Federal Committee on Migratory Farm Labor, through the cooperation of public and private agencies, including the United States

Office of Education, State educational agencies, the National Education Association, universities, and the American Council on Education, develop a plan which will provide an adequate program of education for migratory workers and their children. This may include Federal grants-in-aid to the States.

(2) The Agricultural Extension Services, in fuller discharge of their statutory obligations to the entire farm population, provide educational assistance to agricultural laborers, especially migratory workers, to enable these people to increase their skills and efficiency in agriculture and to improve their personal welfare. The extension services should also give instruction to both farm employers and farm workers on their respective obligations and rights, as well as the opportunities for constructive joint planning, in their respective roles as employers and employees.

The Agricultural Extension Services should expand their home demonstration work to supply the families of farm workers, particularly migratory farm workers, instruction in nutrition, homemaking, infant care, sanitation, and similar subjects.

In substance, the Commission recommends that the Agricultural Extension Services assume the same responsibility for improving the welfare of farm workers as for helping farm operators.

(3) The Federal Government, in accordance with the long-standing policy that agricultural extension work is a joint responsibility of the Federal Government and the several States, share in the cost of the proposed educational program for farm workers and their families.

Chapter 12

A Coordinated Policy and Program for Migratory Farm Labor

The Executive order directed us to inquire concerning:

> Responsibilities now being assumed by Federal, State, county, and municipal authorities with respect to alleviating the conditions among migratory workers, both alien and domestic.

Across the Nation, and in nearly every State in which it is of significance, we have found great concern about migratory farm labor. The public conscience is uneasy. This uneasiness is reflected in literally hundreds of recommendations and suggestions that were made to us. Those who would make no change in the present situation are few.

Farm employers were primarily concerned about the uncertainty and unreliability of their seasonal labor supply. Workers, on the other hand, were concerned about the uncertainty of employment and of earnings, about displacement by alien labor, and about the conditions in which they are compelled to live. Numerous private organizations and groups came before the Commission to testify concerning the problems of the migrants as individuals and as family groups, and the effects of their coming and going on community life. Most of their testimony had to do with the welfare, and with the religious, educational, and civic interests of the migrants. Some were concerned primarily with the immediate aspects of living; others were apprehensive about child labor and child neglect among the migrants.

Representatives of State and local governments, almost without exception, acknowledged the existence of serious problems associated with migratory farm labor, but said that they were unable to deal with them effectively. Lack of legal authority, insufficient funds, community indifference and even hostility are among the obstacles they encounter. "Migratory workers," they say, "are here today and gone tomorrow." Living on the bare edge of subsistence, without financial resources, poorly educated and often illiterate and voteless, the migrants are unable to organize for their own welfare and protection. Without roots in the community and hence unable to meet legal residence requirements, they are usually beyond the reach of the local school, health, and welfare authorities.

Assumption of Responsibility by Private Groups

Without legal authority and with only slender resources, church and welfare groups have, here and there, tried to cope with some of the problems of migrancy. They have provided schools for the children, instruction for the parents in personal hygiene, health and home-making, child care centers, and religious education. Their efforts appear to be generally well received not only by the migrants but also by the employers and by the communities in which they have worked. But in proportion to the magnitude of the problems, the contributions made by these groups are small indeed. Moreover, their activities are of an ameliorative nature only and cannot, therefore, do much to meet the basic needs of migratory farm workers for more stable employment and larger earnings. Many of the projects carried on by these private groups and agencies point the way to more extensive and systematic programs for meeting the needs of migratory workers that might be undertaken by Federal, State, and local governments.

We are pleased to report that many farm employers, individually and as associated groups, are taking more interest in the welfare of migrant workers. One important stimulus in this direction has been the agreements with the foreign governments in which the terms for the contracting of alien nationals for farm employment have stipulated minimum conditions, including employment guarantees and compensation insurance. Having found through experience with foreign labor that such conditions can be met and can contribute to better labor-management relations, farm employers are beginning to appreciate the value of extending comparable guarantees to domestic labor. To meet the terms of the International Agreement with Mexico, and similar requirements of other foreign governments and of Puerto Rico, farm employer associations were formed, and it became apparent that such cooperative arrangements could contribute to more orderly methods of labor recruitment with less loss of money and time to both employers and migrant workers. Farm-employer associations of this kind have begun to pool their alien contract labor needs so that more effective use can be made of the available labor supply which in turn means more continuous employment for the workers. These types of development are basic because they attack the problem at its foundation.

Assumption of Responsibility by Local, State, and Federal Units of Government

Just as there is need for farm employers to make a cooperative and concerted attack on their seasonal labor problem, so is there need for a more systematic and comprehensive approach to the same problem by Federal, State, and local governments. At all levels of government the migratory farm labor problem is dealt with on a piecemeal, day-by-day basis with little or no cooperation or coordination among the various agencies involved. The agencies having responsibilities in housing, education or public health will usually have no responsibility for the recruitment, transportation, or placement of farm workers, nor do these various agencies, as a rule, have any continuing relations with one another. Moreover, the housing, health, education, welfare, and other problems of migratory farm workers are not dealt with as a "package" or as parts of a single comprehensive program. Thus, for example, the housing problem of migratory farm workers is regarded as but a fraction of the total housing program applying to widely disparate groups in the Nation, State, and local community. No single agency is, as a rule, responsible for seeing that the housing for migratory workers is adequate or even meets minimum standards of health, safety, and decency. Since the migrants are unorganized and have no one to speak for them, their needs are easily overlooked by the housing agency whose responsibilities extend to all of the population. Consequently, housing for migrants is likely to be "lost in the shuffle." What is true of housing is also true of education, safety, welfare, and other urgent needs.

Farm migrants are not an easy or convenient group with which to work. In addition to being footloose and on the move, they suffer from language and educational handicaps. They lack community ties. They are not an articulate political group. There is little promise of political reward for a job well done and conversely, since the migrants are politically impotent, there is little political hazard if the job is neglected and left undone. Consequently, to serve the needs of migrants takes effort and a high sense of civic and administrative responsibility, even when the resources are available.

It is a tribute to our American sense of fair play that in spite of the political impotence of migratory farm workers, there is a widespread concern for their welfare among both public and private agencies. There is uneasiness about what is being left undone. Several States within the past few years have appointed fact-finding bodies to investigate and report on the problems of migratory farm labor. Some of these have been partially effective; others were born to live but a brief life of inactivity and then to die. Some were worse than useless because they created the impression that something was being done when actually nothing was being done. Two States—New Jersey and New York—have central coordinating agencies with programs designed particularly for migratory farm workers. Other States—California and Wisconsin, for example—have accomplished a good deal in alleviating the conditions of migratory workers through their regular agencies and departments. In addition, in California, the Governor's Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley has recently completed a comprehensive investigation and submitted constructive recommendations. The Texas Good Neighbor Commission, the Governor's Commission on Human Rights of Wisconsin, the Governor's Committee on Migrant Labor of Colorado, and the Mayor's Commission on Human Relations of Denver have devoted considerable attention to the civic rights and obligations of migrant workers.

Commendable as these various programs are, they, too, serve to illustrate the sporadic and scattered nature of our approach to the problem. Confusion, conflict, failure of communication, and plain "buck-passing" have characterized the relations between Federal, State, and local governments and among the various agencies. Federal officials emphasize the responsibility of State and local governments, while these in turn point to the interstate character of the migratory labor streams and plead their lack of authority and resources to deal adequately with the basic problems involved. Even where genuine efforts are made to deal with the problem at the Federal level, there is a good deal of duplication, inefficiency, and working at cross-purposes.

The major current activities of the Federal Government relating to migratory farm labor are characterized by divided authority, lack of coordination, and the absence of over-all planning. Under pressure to meet urgent demands for seasonal farm labor, the various departments and agencies of the Federal Government have resorted to "emergency" improvisations at considerable cost to the taxpayer.

Integrating General Programs and Specific Needs

Sound public administration in a democracy requires that agencies designed to serve the particular needs of special occupational or income groups in the population be kept at a minimum. Agencies to serve all segments of the population are essential to sound and democratic government. But with such a group as the farm migrants, though their needs are particular and urgent, they are not in good position to make them known and thereby to share in the general service programs of government agencies at all levels.

We do not believe that the answer to the neglected needs of migratory farm workers is to create a new bureau or agency to serve their particular requirements. The Commission is of the opinion that in the long run the needs of migrants can best be met by broadening and extending to them the basic services which are designed to serve the population in general. We are therefore recommending that program responsibilities should be kept in the regular agencies. Something must be done, however, to achieve a more closely integrated approach to the manifold problems of migratory farm workers by these various agencies and to provide a voice for the migrant where none now exists. Consequently, the Commission recommends that a coordinating body be established at the Federal level of Government and also in those States in which migratory labor is a problem of major proportions.

We have endeavored to chart a new and better course. Many of our recommendations are made in principle but not in technical detail. As action is taken on these recommendations, problems requiring study and planning will be encountered. Moreover, the need for coordination of policies and programs is paramount. Government agencies with programs in migratory farm labor and the public should share in the responsibilities of policy and program coordination. The Commission's recommendations are designed to be a coordinated program to meet these objectives and to serve these purposes for the immediate emergency and for the long-range as well.

THE COMMISSION'S RECOMMENDATIONS

I. *Federal Committee on Migratory Farm Labor*

We recommend that:

(1) There be established a Federal Committee on Migratory Farm Labor, to be appointed by and responsible to the President.

(2) The Committee be composed of three public members and one member from each of the following agencies:

Department of Agriculture,
Department of Labor,
Department of State,
Immigration and Naturalization Service, and
Federal Security Agency.

(3) The public members be appointed by the President. One public member should serve full time as chairman and the other two on a part-time basis. The Government representatives should be appointed by the President on the nomination of the heads of the respective agencies. The Committee should have authority, within the limits of its appropriation, to establish such advisory committees as it deems necessary.

(4) The Federal Committee on Migratory Farm Labor have the authority and responsibility, with adequate staff and funds to assist, coordinate and stimulate the various agencies of the Government in their activities and policies relating to migratory farm labor, including such investigations and publications as will contribute to an understanding of migratory farm labor problems, and to recommend to the President, from time to time, such changes in administration and legislation as may be required to facilitate improvements in the policies of the Government relating to migratory farm labor. The Committee should undertake such specific responsibilities as are assigned to it in the recommendations set forth in this report and as may be assigned to it by the President.

In general, however, the Committee should have no administrative or operating responsibilities; these should remain within the respective established agencies and departments.

(5) Similar agencies be established in the various States. The responsibilities and the activities of the Federal Committee on Migratory Farm Labor and those of the agencies established in the States should be complementary and not competitive. The State agencies should be encouraged to carry forward those programs in behalf of migratory farm workers which, by their nature, fall within the responsibility of individual States. The Federal Committee will have major concern with interstate, national, and international activities. But at all times there should be close consultation between the Federal and State agencies and a two-way flow of information, suggestions, and effective cooperation.

II. *Migratory Farm Labor in Emergency*

Our investigations of the present farm labor problem and our analysis of this country's experience during the years of World War II and since, point to certain conclusions which to us seem inescapable in the present emergency. We therefore recommend that:

(1) First reliance be placed on using our domestic labor force more effectively.

(2) No special measures be adopted to increase the number of alien contract laborers beyond the number admitted in 1950.

(3) To meet any supplemental needs for agricultural labor that may develop, preference be given to citizens of the offshore possessions of the United States, such as Hawaii and Puerto Rico.

(4) Future efforts be directed toward supplying agricultural labor needs with our own workers and eliminating dependence on foreign labor.

III. *Alien Contract Labor in American Agriculture*

We recommend that:

(1) Foreign labor importation and contracting be under the terms of intergovernmental agreements which should clearly state the conditions and standards of employment under which the foreign workers are to be employed. These should be substantially the same for all countries. No employer, employer's representative or association of employers, or labor contractor should be permitted to contract directly with foreign workers for employment in the United States. This is not intended to preclude employer participation in the selection of qualified workers when all other requirements of legal importation are fulfilled.

(2) The United States-Mexican intergovernmental agreement be in terms that will promote immigration law enforcement. The Department of State should negotiate with the Government of Mexico such a workable international agreement as will assure its operation as the

exclusive channel for the importation of Mexican nationals under contract, free from the competition of illegal migration.

(3) Administration of foreign labor recruiting, contracting, transporting, and agreements be made the direct responsibility of the Immigration and Naturalization Service. This should be the principal contracting agency, and private employers should secure their foreign workers exclusively from the Immigration and Naturalization Service.

(4) The Farm Placement Service of the United States Employment Service certify to the Immigration and Naturalization Service and to the Federal Committee on Migratory Farm Labor when and if labor requirements cannot be filled from domestic sources and the numbers of additional workers needed. On alien contract labor, the United States Employment Service and the various State employment services should be advised by the tripartite advisory council provided for in the Wagner-Peyser Act, or by tripartite subcommittees of the council. However, no certification of shortage of domestic labor should be made unless and until continental domestic labor has been offered the same terms and conditions of employment as are offered to foreign workers. After certifying the need for foreign workers, the United States Employment Service should have no administrative responsibilities in connection with any foreign labor program.

(5) In accordance with the policies of the Federal Committee on Migratory Farm Labor, the Immigration and Naturalization Service arrange, subject to the terms of the intergovernmental agreements then in force, for the importation of the number of qualified foreign agricultural workers certified as needed by the United States Employment Service, and transport them to appropriate reception and contracting centers in the United States.

(6) The Immigration and Naturalization Service deliver the imported workers to the farm employers who have submitted the necessary applications and bonds, and who have signed individual work agreements. Employment should be under the general supervision of the Immigration and Naturalization Service. An adequate procedure for investigating and resolving complaints and disputes originating from either party should be negotiated in the international agreements and should be incorporated in the standard work contracts. The Immigration and Naturalization Service should be authorized to terminate any contract of employment and remove the workers, and to refuse to furnish foreign workers to any employer or association of employers when there has been repeated or willful violation of previous agreements, or where there is reasonable doubt that the terms of the current agreement are being observed. The Immigration and Naturalization Service should, in the discharge of its obligations, receive such assistance from the United States Employment Service as it may request.

(7) Puerto Rico and Hawaii, as possessions of the United States, be recognized as part of the domestic labor supply, and workers from these Territories be accorded preference over foreign labor in such employment as they are willing and suited to fill.

(8) Where a government-to-government agreement provides for the payment of the prevailing wage to foreign contract workers, this wage be ascertained by public authority after a hearing. The policies, procedures, and responsibilities involved should be determined by the Federal Committee on Migratory Farm Labor.

IV. *The Wetback Invasion—Illegal Alien Labor in American Agriculture*

We recommend that:

(1) The Immigration and Naturalization Service be strengthened by (*a*) clear statutory authority to enter places of employment to determine if illegal aliens are employed, (*b*) clear statutory penalties for harboring, concealing, or transporting illegal aliens, and (*c*) increased appropriations for personnel and equipment.

(2) Legislation be enacted making it unlawful to employ aliens illegally in the United States, the sanctions to be (*a*) removal by the Immigration and Naturalization Service of all legally imported labor from any place of employment on which any illegal alien is found employed; (*b*) fine and imprisonment; (*c*) restraining orders and injunctions; and (*d*) prohibiting the shipment in interstate commerce of any product on which illegal alien labor has worked.

(3) Legalization for employment purposes of aliens illegally in the United States be discontinued and forbidden. This is not intended to interfere with handling of hardship cases as authorized by present immigration laws.

(4) The Department of State seek the active cooperation of the Government of Mexico in a program for eliminating the illegal migration of Mexican workers into the United States by (*a*) the strict enforcement of the Mexican emigration laws, (*b*) preventing the concentration, in areas close to the border, of surplus supplies of Mexican labor, and (*c*) refraining from attempts to obtain legalization for employment in the United States of Mexican workers illegally in this country.

V. *How Migratory Workers Find Employment*

We recommend that:

(1) Federal legislation be enacted to prohibit interstate recruitment of farm labor by crew leaders, labor contractors, employers, employers' agents, and other private recruiting agents except when such agents are licensed by the Department of Labor. The Federal Committee on Migratory Farm Labor should develop appropriate standards for regulating and licensing such private agents.

(2) States enact legislation and establish enforcement machinery to

regulate and license labor contractors, crew leaders, and other private recruiting agents operating intrastate, such legislation to include private solicitors or recruiters operating on a fee or nonfee basis, either part-time or year-round. The standards of regulation should at least equal those established by the Federal Committee on Migratory Farm Labor. The recommendations of the Governor's Committee of California suggest the form and content of such State legislation.

(3) The United States Employment Service and the State employment services adopt a policy of refusing to refer workers to crew leaders, labor contractors, or private recruiting agents for employment.

(4) The United States Employment Service adopt regulations and administrative procedures to safeguard interstate recruiting and transporting of workers, by providing that:

(*a*) Terms of employment be reduced to writing, such written terms to contain a provision for the adjustment of grievances.

(*b*) Housing and transportation arrangements available to workers meet the minimum standards established by the Federal Committee on Migratory Farm Labor.

(*c*) State employment services shall not recruit farm workers outside their States or assist in bringing farm workers in from other States unless the United States Employment Service is assured that the State does not have the necessary labor available within its own borders.

(5) Neither the United States Employment Service nor State employment services join with employers, employers' associations, or other private recruiting agents in mass advertising for interstate recruitment.

(6) In order to achieve better utilization of the national domestic farm-labor supply, States having legislation restricting recruitment of workers for out-of-State employment (emigrant agent laws) undertake repeal of such legislation.

(7) The Federal Committee on Migratory Farm Labor establish transportation standards of safety and comfort (including in-transit rest camps). States should be guided by the transportation standards of the Federal Committee on Migratory Farm Labor as minimum conditions to govern intrastate transportation of migratory farm workers.

(8) The United States Employment Service and the State employment services be advised on farm-labor questions by the tripartite advisory councils as provided for in the Wagner-Peyser Act or by tripartite subcommittees of the councils.

VI. *Employment Management and Labor Relations*

We recommend that:

(1) The Agricultural Extension Service, through its Federal office and in those States where migratory labor has significant proportions, make instruction in farm-labor management and labor relations available to farm employers and to farm employees. The Agricultural Extension Services should also make available advice and counsel for the organizing

of farm-employer associations similar to those sponsored during World War II, which associations should have the purpose of pooling their joint labor needs to promote orderly recruiting, better employer-worker relations, and more continuous employment.

(2) The Labor-Management Relations Act of 1947 be amended to extend coverage to employees on farms having a specified minimum employment.

VII. *Employment, Wages, and Incomes*

We recommend that:

(1) The Congress enact minimum-wage legislation to cover farm laborers, including migratory laborers.

(2) State legislatures give serious consideration to the protection of agricultural workers, including migratory farm workers, by minimum-wage legislation.

(3) Federal and State unemployment compensation legislation be enacted to cover agricultural labor.

(4) Because present unemployment compensation legislation is not adapted to meeting the unemployment problems of most migratory farm workers, the Federal Social Security Act be amended to provide matching grants to States for general assistance on the condition that no needy person be denied assistance because of lack of legal residence status.

VIII. *Housing*

We recommend that:

(1) The United States Employment Service not recruit and refer out-of-State agricultural workers and the Immigration and Naturalization Service not import foreign workers (pursuant to certifications of labor shortage) unless and until:

(*a*) The State in which the workers are to be employed has established minimum housing standards for such workers together with a centralized agency for administration and enforcement of such minimum standards on the basis of periodic inspections. These State housing standards, in their terms and in administration, should not be less than the Federal standards hereinafter provided.

(*b*) The employer or association of employers has been certified as having available housing, which at recent inspection has been found to comply with minimum standards for housing then in force in that State.

(2) Federal minimum standards covering all types of on-job housing for migratory workers moving in interstate or foreign commerce be established and promulgated by the Federal Committee on Migratory Farm Labor. These standards, administered through a State license system, should govern site, shelter, space, lighting, sanitation, cooking equipment, and other facilities relating to maintenance of health and decency.

(3) Any State employment service requesting aid of the United States Employment Service in procuring out-of-State workers submit, with such request, a statement that the housing being offered meets the Federal standards.

(4) The Agricultural Extension Service in those States using appreciable numbers of migratory workers undertake an educational program for growers concerning design, materials, and lay-out of housing for farm labor.

(5) The Department of Agriculture be empowered to extend grants-in-aid to States for labor camps in areas of large and sustained seasonal labor demand provided the States agree to construct and operate such camps under standards promulgated by the Federal Committee on Migratory Farm Labor. Since such projects are to be constructed and operated for the principal purpose of housing agricultural workers and their families, preference of occupancy should be given those engaged in seasonal agricultural work. Costs should be defrayed by charges to occupants.

(6) When housing is deficient in areas where there is large seasonal employment of migratory farm workers, but where the seasonal labor need is of short duration, the Department of Agriculture establish transit camp sites without individual housing. These camp sites should be equipped with water, sanitary facilities including showers, laundry, and cooking arrangements. They should be adequately supervised.

(7) The Department of Agriculture be authorized, and supplied with the necessary funds, to extend carefully supervised credit in modest amounts to assist migratory farm workers to acquire or to construct homes in areas where agriculture is in need of a considerable number of seasonal workers during the crop season.

(8) States be encouraged to enact State housing codes establishing minimum health and sanitation standards for housing in unincorporated areas.

(9) The Public Housing Administration of the Housing and Home Finance Agency develop a rural nonfarm housing program to include housing needs of migrants in their home-base situation.

IX. *Health, Welfare, and Safety*

We recommend that:

(1) In amending the Social Security Act to provide matching grants to States for general assistance (as we recommend in chapter 7), provision be made to include medical care on a matching-grant basis for recipients of public assistance on the condition that no person be denied medical care because of the lack of legal residence status.

(2) The Public Health Service Act be amended to provide, under the supervision of the Surgeon General, matching grants to States, to conduct health programs among migratory farm laborers to deal particularly with

such diseases as tuberculosis, venereal disease, diarrhea, enteritis, and dysentery, and to conduct health clinics for migratory farm workers.

(3) The United States Employment Service make no interstate referrals of migratory farm workers unless the representative of the State requesting the labor shall give evidence in writing that neither the State nor the counties concerned will deny medical care on the grounds of nonresidence, and that migratory workers will be admitted to local hospitals on essentially the same basis as residents of the local community.

(4) The Federal Committee on Migratory Farm Labor and the appropriate State agencies undertake studies looking toward the extension of safety and workmen's compensation legislation to farm workers.

(5) The Federal Social Security Act be amended to include migratory farm workers as well as other agricultural workers not now covered under the Old-Age and Survivors Insurance program.

X. *Child Labor*

We recommend that:

(1) The 1949 child-labor amendment to the Fair Labor Standards Act be retained and vigorously enforced.

(2) The Fair Labor Standards Act be further amended to restrict the employment of children under 14 years of age on farms outside of school hours.

(3) State child-labor laws be brought to a level at least equal to the present Fair Labor Standards Act and made fully applicable to agriculture.

(4) The child-labor provisions of the Sugar Act be vigorously enforced.

XI. *Education*

We recommend that:

(1) The Federal Committee on Migratory Farm Labor, through the cooperation of public and private agencies, including the United States Office of Education, State educational agencies, the National Education Association, universities, and the American Council on Education, develop a plan which will provide an adequate program of education for migratory workers and their children. This may include Federal grants-in-aid to the States.

(2) The Agricultural Extension Services, in fuller discharge of their statutory obligations to the entire farm population, provide educational assistance to agricultural laborers, especially migratory workers, to enable these people to increase their skills and efficiency in agriculture and to improve their personal welfare. The Extension Services should also give instructions to both farm employers and farm workers on their respective obligations and rights, as well as the opportunities for constructive joint planning in their respective roles as employers and employees.

The Agricultural Extension Services should expand their home demonstration work to supply the families of farm workers, particularly migratory farm workers, instruction in nutrition, homemaking, infant care, sanitation, and similar subjects.

In substance, the Commission recommends that the Agricultural Extension Services assume the same responsibility for improving the welfare of farm workers as for helping farm operators.

(3) The Federal Government, in accordance with the long-standing policy that agricultural extension work is a joint responsibility of the Federal Government and the several States, share in the cost of the proposed educational program for farm workers and their families.

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Appendix

The Executive Orders

Executive Order No. 10129, Establishing the President's Commission on Migratory Labor

By virtue of the authority vested in me as President of the United States, it is herby ordered as follows:

1. There is hereby created a Commission to be known as the President's Commission on Migratory Labor, which shall consist of a chairman and four other members to be designated by the President.

2. The Commission is authorized and directed to inquire into

(*a*) social, economic, health, and educational conditions among migratory workers, both alien and domestic, in the United States;

(*b*) problems created by the migration of workers, for temporary employment, into the United States, pursuant to the immigration laws or otherwise;

(*c*) responsibilities now being assumed by Federal, State, county, and municipal authorities with respect to alleviating the conditions among migratory workers, both alien and domestic;

(*d*) whether sufficient numbers of local and migratory workers can be obtained from domestic sources to meet agricultural labor needs and, if not, the extent to which the temporary employment of foreign workers may be required to supplement the domestic labor supply; and

(*e*) the extent of illegal migration of foreign workers into the United States and the problems created thereby, and whether, and in what respect, current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to eliminate such illegal migration.

3. The Commission shall make a report of its studies to the President in writing not later than December 15, 1950, including its recommendations for governmental action, either legislative or administrative.

4. In connection with its studies and inquiries, the Commission is authorized to hold such public hearings and to hear such witnesses as it deems appropriate.

5. To the extent that the studies, inquiries, and recommendations of the Commission involve considerations of international arrangements and policies the Commission shall consult with the Department of State.

6. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Commission in its work

and to furnish the Commission such information and assistance, not inconsistent with law, as it may require in the performance of its duties.

7. During the fiscal year 1950, the compensation of the members of the Commission (including traveling expenses and per-diem allowances) and the expenditures of the Commission shall be paid out of an allotment made by the President from the appropriation appearing under the heading "Emergency Fund for the President" in the Independent Offices Appropriation Act, 1950 (Public Law 266, approved August 24, 1949); and during the fiscal year 1951 such compensation and expenditures shall be similarly paid from any corresponding or like appropriation made available for the fiscal year 1951. Such payments shall be made without regard to the provisions of section 3681 of the Revised Statutes (31 U. S. C. 672), section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U. S. C. 673) and such other provisions of law as the President may hereafter specify.

8. Thirty days after rendition of its report to the President, the Commission shall cease to exist unless otherwise determined by further Executive Order.

HARRY S. TRUMAN.

THE WHITE HOUSE,
June 3, 1950.

Executive Order No. 10192, amending Executive Order No. 10129 of June 3, 1950, entitled "Establishing the President's Commission on Migratory Labor"

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 10129 of June 3, 1950, be, and it is hereby, amended as follows:

1. The date "December 15, 1950," in paragraph numbered 3 is amended to read "March 1, 1951."

2. The words "thirty days" in paragraph numbered 8 are amended to read "sixty days."

HARRY S. TRUMAN.

THE WHITE HOUSE,
December 15, 1950.

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